

Agenda Order

Tab 1	CS/SB 10 by JU, Pizzo ; Similar to H 06501 Relief of Sidney Holmes by the State of Florida				
Tab 2	CS/SB 240 by CJ, Berman (CO-INTRODUCERS) Rodriguez, DiCeglie, Pizzo, Smith, Garcia ; Identical to CS/H 00019 Victims of Domestic Violence and Dating Violence				
Tab 3	CS/SB 494 by CJ, Leek ; Similar to CS/H 00255 Aggravated Animal Cruelty				
Tab 4	SB 500 by Avila ; Identical to H 00711 Spectrum Alert				
Tab 5	SB 984 by Gruters ; Similar to H 00693 Aggravating Factors				
Tab 6	SB 1054 by Garcia ; Similar to CS/CS/H 00437 Tampering with an Electronic Monitoring Device				
Tab 7	SB 1072 by McClain ; Similar to CS/H 00847 Expedited DNA Testing Grant Program				
Tab 8	CS/SB 1084 by CJ, Martin ; Similar to CS/H 01451 Sexual Cyberharassment				
Tab 9	CS/SB 1140 by CJ, Gruters ; Similar to CS/CS/CS/H 01095 Criminal Offender Substance Abuse Pilot Program				
267094	A	S	ACJ, Gruters	Delete L.65 - 91:	04/09 11:36 AM
Tab 10	CS/SB 1180 by CJ, Gaetz ; Compare to CS/CS/H 00757 Sexual Images				
808900	D	S	ACJ, Gaetz	Delete everything after	04/09 09:16 AM
Tab 11	SB 1252 by Yarborough ; Compare to CS/H 01359 Statewide Pawn Data Database				
690272	D	S	ACJ, Yarborough	Delete everything after	04/09 09:07 AM
Tab 12	SB 1268 by Simon ; Similar to CS/CS/H 01053 Department of Law Enforcement				
Tab 13	CS/SB 1344 by CJ, Simon ; Similar to CS/H 01405 Juvenile Justice				
Tab 14	CS/SB 1386 by CJ, Yarborough ; Similar to CS/H 00857 Assault or Battery on a Utility Worker				
540570	D	S	ACJ, Yarborough	Delete everything after	04/09 09:08 AM
Tab 15	CS/SB 1422 by CJ, Truenow ; Similar to CS/CS/H 01121 Unmanned Aircraft or Unmanned Aircraft Systems				
208498	A	S	ACJ, Truenow	Delete L.94 - 129:	04/09 09:15 AM
Tab 16	CS/SB 1650 by JU, Grall ; Similar to CS/CS/H 01559 Vexatious Litigants				
558644	D	S	ACJ, Grall	Delete everything after	04/09 09:50 AM
Tab 17	CS/SB 1652 by JU, Grall ; Similar to CS/CS/H 01569 Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court				

Agenda Order

164838 A S ACJ, Grall Delete L.19 - 20: 04/09 09:51 AM

Tab 18 **SB 1654** by **Martin**; Similar to CS/H 01351 Registration of Sexual Predators and Sexual Offenders

250020 D S ACJ, Martin Delete everything after 04/09 09:05 AM

Tab 19 **CS/SB 1284** by **JU, Grall**; Similar to CS/H 01517 Civil Liability for the Wrongful Death of an Unborn Child

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

MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 10 Judiciary / Pizzo (Similar H 6501)	Relief of Sidney Holmes by the State of Florida; Providing for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees, etc.	SM JU 03/19/2025 Fav/CS ACJ 04/10/2025 AP
2	CS/SB 240 Criminal Justice / Berman (Identical CS/H 19, Compare CS/H 41, Linked S 242)	Victims of Domestic Violence and Dating Violence; Requiring the Division of Telecommunications within the Department of Management Services to consult with certain entities to conduct a feasibility study regarding a specified alert system; revising legislative findings to include victims of dating violence; authorizing victims of dating violence to apply to participate in the Attorney General's address confidentiality program, etc.	CJ 04/01/2025 Fav/CS ACJ 04/10/2025 FP
3	CS/SB 494 Criminal Justice / Leek (Similar CS/H 255, Compare H 455, S 502)	Aggravated Animal Cruelty; Citing this act as "Dexter's Law"; requiring the Department of Law Enforcement to post on its website the names of certain individuals who have violated specified animal cruelty provisions; providing a sentencing multiplier for specified offenses of aggravated animal cruelty, etc.	CJ 03/25/2025 Fav/CS ACJ 04/10/2025 FP

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 500 Avila (Identical H 711)	Spectrum Alert; Requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems, etc.	CJ 03/25/2025 Favorable ACJ 04/10/2025 FP
5	SB 984 Gruters (Similar H 693)	Aggravating Factors; Providing an additional aggravating factor for capital felonies, etc.	CJ 03/18/2025 Favorable ACJ 04/10/2025 FP
6	SB 1054 Garcia (Similar CS/CS/H 437)	Tampering with an Electronic Monitoring Device; Reclassifying the offense of tampering with an electronic monitoring device to provide graduated penalties; requiring termination of pretrial release of a person who tampers with such a device while on pretrial release, etc.	CJ 03/11/2025 Favorable ACJ 04/10/2025 FP
7	SB 1072 McClain (Similar CS/H 847)	Expedited DNA Testing Grant Program; Defining the term "private lab"; creating the Expedited DNA Testing Grant Program within the Department of Law Enforcement; specifying potential grant recipients; providing purposes for the grants under the program; specifying eligible uses for such grant funds, etc.	CJ 04/01/2025 Favorable ACJ 04/10/2025 FP
8	CS/SB 1084 Criminal Justice / Martin (Similar CS/H 1451)	Sexual Cyberharassment; Providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; authorizing an aggrieved person to initiate a civil action to recover punitive damages; providing time limitations for commencing prosecution for violations of sexual cyberharassment, etc.	CJ 03/18/2025 Fav/CS ACJ 04/10/2025 FP

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	CS/SB 1140 Criminal Justice / Gruters (Similar CS/CS/H 1095)	Criminal Offender Substance Abuse Pilot Program; Creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; providing for design and implementation of the program in the county; authorizing subgrants for personnel needs; requiring a report to certain officials by a specified date, etc.	CJ 04/01/2025 Fav/CS ACJ 04/10/2025 FP
10	CS/SB 1180 Criminal Justice / Gaetz (Compare CS/CS/H 757)	Sexual Images; Providing criminal penalties for persons who willfully and maliciously generate or possess an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing exceptions; authorizing an aggrieved person to initiate a civil action against persons who violate specified provisions, etc.	CJ 03/25/2025 Fav/CS ACJ 04/10/2025 FP
11	SB 1252 Yarborough (Compare CS/H 1359)	Statewide Pawn Data Database; Providing definitions; requiring the Department of Law Enforcement to create a statewide database of transaction data electronically reported by specified businesses; prohibiting certain data transfers by third-party vendors; providing restrictions on use; providing requirements for data storage; providing penalties for violations; authorizing rulemaking, etc.	CM 03/17/2025 Favorable ACJ 04/10/2025 FP
12	SB 1268 Simon (Identical CS/H 1053)	Department of Law Enforcement; Repealing provisions relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; revising the membership of the Domestic Security Oversight Council; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department, etc.	CJ 03/18/2025 Favorable ACJ 04/10/2025 FP

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	CS/SB 1344 Criminal Justice / Simon (Similar CS/H 1405)	Juvenile Justice; Providing for appointment of counsel in certain circumstances; providing for payment of counsel; revising provisions for a child's punishment for contempt of court; requiring parents to use health care insurance to the extent that it is available; authorizing that a child be taken into custody pursuant to a finding of contempt; providing for early truancy intervention; specifying when a guardian ad litem may be appointed, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 FP	
14	CS/SB 1386 Criminal Justice / Yarborough (Similar CS/H 857)	Assault or Battery on a Utility Worker; Defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 FP	
15	CS/SB 1422 Criminal Justice / Truenow (Similar CS/H 1121)	Unmanned Aircraft or Unmanned Aircraft Systems; Revising the definition of the term "critical infrastructure facility"; increasing the criminal penalty for certain prohibited actions relating to drones; prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems; authorizing certain persons to use reasonable force to prohibit a drone from conducting surveillance under certain circumstances, etc. CJ 03/18/2025 Fav/CS ACJ 04/10/2025 RC	
16	CS/SB 1650 Judiciary / Grall (Similar CS/H 1559)	Vexatious Litigants; Expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; prohibiting clerks of the court from accepting certain filings from a vexatious litigant, etc. JU 03/19/2025 Fav/CS ACJ 04/10/2025 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	CS/SB 1652 Judiciary / Grall (Identical CS/H 1569)	Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court; Providing an exemption from public records requirements for a matter in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing a statement of public necessity, etc. JU 03/19/2025 Fav/CS ACJ 04/10/2025 RC	
18	SB 1654 Martin (Similar CS/H 1351)	Registration of Sexual Predators and Sexual Offenders; Revising reporting requirements for sexual predators; revising reporting requirements for sexual offenders; revising verification requirements, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 FP	
19	CS/SB 1284 Judiciary / Grall (Similar CS/H 1517)	Civil Liability for the Wrongful Death of an Unborn Child; Revising the definition of the term "survivors" to include the parents of an unborn child; defining the term "unborn child"; providing that the Wrongful Death Act does not authorize a wrongful death action against the mother of an unborn child for the death of the child; providing that the act does not authorize a wrongful death action against a health care provider for the death of an unborn child which results from medical care complying with the applicable standard of care; authorizing parents of an unborn child to recover certain damages, etc. JU 04/01/2025 Fav/CS ACJ 04/10/2025 RC	

Other Related Meeting Documents

By the Committee on Judiciary; and Senator Pizzo

590-02592-25

202510c1

A bill to be entitled

An act for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to the act; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees; prohibiting Mr. Holmes from submitting a compensation application under certain provisions upon his receipt of payment under the act; providing that certain benefits are void upon specified findings; providing an effective date.

WHEREAS, Sidney Holmes was arrested on October 6, 1988, for a robbery committed on June 19, 1988, outside a convenience store in Fort Lauderdale and was convicted on April 26, 1989, of armed robbery with a firearm, and

WHEREAS, since the time of his arrest, Mr. Holmes has been unwavering in maintaining his innocence in connection with the crime, and

WHEREAS, Mr. Holmes, who had previous felony convictions, was sentenced to 400 years in prison and served 34 years of that sentence, and

WHEREAS, on February 23, 2023, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit

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

590-02592-25

202510c1

issued a 25-page "Conviction Review Unit Final Memorandum," reaching the conclusion that Mr. Holmes' judgment and sentence should be vacated and that the State Attorney's Office should enter a nolle prosequi, and

WHEREAS, the final memorandum was issued based on the findings of the Independent Review Panel that the case against Mr. Holmes gave rise to reasonable doubt as to his culpability and noted that it was highly likely that Mr. Holmes is factually innocent of the armed robbery and that the Broward County State Attorney's Office would not charge Mr. Holmes if the case were presented today, and

WHEREAS, on March 13, 2023, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an "Agreed Order Vacating Judgment and Sentence" on the basis that there is reasonable doubt as to Mr. Holmes' guilt in the case and that it is highly likely that he was misidentified and is factually innocent of the armed robbery, and

WHEREAS, that same day, the state filed a Notice of Nolle Prosequi, exonerating Mr. Holmes, and

WHEREAS, the Legislature acknowledges that the state's system of justice yielded an imperfect result that had tragic consequences in this case, and

WHEREAS, the Legislature acknowledges that as a result of his physical confinement, Mr. Holmes suffered significant damages that are unique to him, and that the damages are due to the fact that he was physically restrained and prevented from exercising the freedom to which all innocent citizens are entitled, and

WHEREAS, before his conviction for the aforementioned

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

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59 crime, Mr. Holmes had prior convictions for unrelated felonies,
60 and

61 WHEREAS, because of those prior felony convictions, Mr.
62 Holmes is ineligible for compensation under chapter 961, Florida
63 Statutes, and

64 WHEREAS, the Legislature apologizes to Mr. Holmes on behalf
65 of the state, NOW, THEREFORE,

66

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

68

69 Section 1. The facts stated in the preamble to this act are
70 found and declared to be true.

71 Section 2. The sum of \$1.722 million is appropriated from
72 the General Revenue Fund to the Department of Financial Services
73 for the relief of Sidney Holmes for his wrongful incarceration.
74 The Chief Financial Officer is directed to draw a warrant in
75 favor of Mr. Holmes in the sum of \$1.722 million, payable
76 directly to Sidney Holmes.

77 Section 3. Tuition and fees for Mr. Holmes shall be waived
78 for up to a total of 120 hours of instruction at any career
79 center established under s. 1001.44, Florida Statutes, any
80 Florida College System institution established under part III of
81 chapter 1004, Florida Statutes, or any state university. For any
82 educational benefit made, Mr. Holmes must meet and maintain the
83 regular admission and registration requirements of such career
84 center, institution, or state university and make satisfactory
85 academic progress as defined by the educational institution in
86 which he is enrolled.

87 Section 4. With respect to the relief for Mr. Holmes as

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88 described in this act, the Legislature does not waive any
89 defense of sovereign immunity or increase the limits of
90 liability on behalf of the state or any person or entity that is
91 subject to s. 768.28, Florida Statutes, or any other law. Funds
92 awarded under this act to Mr. Holmes may not be used or paid for
93 attorney fees or lobbying fees related to this claim.

94 Section 5. Upon his receipt of payment under this act, Mr.
95 Holmes may not submit an application for compensation under
96 chapter 961, Florida Statutes.

97 Section 6. The amount awarded under this act is intended to
98 provide the sole compensation for all present and future claims
99 arising out of the factual situation described in this act.

100 Section 7. If any future judicial determination concludes
101 that Mr. Holmes, by DNA evidence or otherwise, participated in
102 any manner in the armed robbery for which he was incarcerated,
103 the unused benefits to which he is entitled under this act are
104 void.

105 Section 8. This act shall take effect upon becoming a law.



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/14/25	SM	Favorable
3/19/25	JU	Fav/CS
4/9/25	ACJ	Pre-Meeting
	AP	

March 14, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 10** – Committee on Judiciary and Senator Pizzo
HB 6501 – Representative Gottlieb
Relief of Sidney Holmes by the State of Florida

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$1.772 MILLION, AND A WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION, TO COMPENSATE SIDNEY L. HOLMES FOR 34 YEARS OF WRONGFUL INCARCERATION.

FINDINGS OF FACT:

General Overview

On October 6, 1988, Sidney Lamar Holmes (the claimant) was arrested and charged with robbery with a firearm, in Broward County. In April 1989, the claimant was tried before a jury and convicted of the aforementioned charges. The claimant was sentenced to 400 years in prison. He remained incarcerated until his conviction was overturned, serving over 34 years.

Since his conviction, claimant has maintained and sought to establish his innocence. He sought the assistance of the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office ("CRU"), to obtain post-conviction relief.

In November 2020, the claimant sent a letter requesting the CRU review his case, whereupon the CRU began reviewing his case and claim of factual innocence. After finding that claimant had asserted a plausible claim of innocence, the CRU asked the Innocence Project of Florida, Inc., (“IPF”), to assist claimant in his attempt for post-conviction relief. Upon conclusion of the joint investigation between the CRU and IPF, the CRU concluded that there was reasonable doubt as to claimant’s guilt and that it is highly likely that he was misidentified and is factually innocent of the armed robbery.

The CRU then presented the case to an Independent Review Panel (“IRP”), to provide its own interpretation of the case. The IRP, which consists of six Broward County residents, reviewed all the documents relevant to claimant’s case and unanimously concluded that the evidence gave rise to a reasonable doubt as to claimant’s culpability. Five of the six members of the IRP voted that claimant is innocent and should be exonerated.

Upon the conclusion of its investigation, the CRU ultimately filed a Motion for Post-Conviction Relief and to Vacate the Judgments, Convictions, and Sentences in the claimant’s case in which it concluded that the claimant is actually innocent and should be exonerated of all charges. The court ultimately agreed, and on March 13, 2023, entered an order vacating the convictions and sentences. The claimant was immediately released from incarceration.

Subsequently, this claim bill was filed to obtain compensation for his wrongful incarceration. Because of his prior convictions in 1984, claimant is precluded from receiving compensation through the Victims of Wrongful Incarceration Act.

Overview of the Crime

On the evening of June 19, 1988, two males accosted Vincent Wright and Anissia Johnson at a One Stop convenience store where Wright and Johnson had stopped to put air in a tire. While Wright was filling up the tire, two unidentified men came up behind him and demanded money. When Wright told the men that he did not have any money, one of the men confronted Johnson, pointed a gun at her and again demanded money. Johnson, who was sitting in the front passenger seat of Wright’s car, responded that she also did

not have any money. While this was occurring, a third man, purportedly claimant, pulled up in a brown Oldsmobile with a hole in the trunk of the car where the lock would normally be. At the 1989 trial, Wright testified that the third man got out of the car and told his accomplices to take Wright's car and that he would meet up with them later.

After the perpetrators drove off with Wright's car, a friend of Wright's pulled into the One Stop convenience store, at which point Wright got in the car with him and chased after his car. Johnson stayed back at the scene and called police. When police arrived, Johnson told Deputy Kenneth Smith what happened, but never mentioned a third perpetrator or a brown car. Deputy Smith never spoke to Wright. Wright and his friend were unsuccessful in catching up to his car.

Eyewitness Identification and Arrest

Following the robbery at the convenience store, Vincent Wright spoke with his brother, Milton Wright, about the event. Milton claimed to have been robbed earlier the same day, under similar circumstances, in the same area as Vincent's robbery. Specifically, Milton recalled that the perpetrators in his event drove a brown Oldsmobile from the 1970s that, like in Vincent's robbery, had a hole in the trunk where the lock would normally be.¹

Milton then began looking out for cars that fit the description of the car allegedly used in both robberies. He found one and gave the license tag number to his brother, who passed it along to the police; however, police notified Vincent that it was the wrong car.² Two to three weeks after the robbery, Milton gave Vincent another license plate of a brown Oldsmobile that belonged to the claimant. However, there was no hole in the trunk of this particular car, which led Milton to believe that the hole had been fixed.³ This ultimately led to claimant becoming a suspect.

Vincent Wright spoke with police several times following the incident, but it was not until nine days after the robbery on June 28, 1988, that he first spoke with investigators about what happened at the convenience store. In a sworn

¹ Conviction Review Unit Final Memorandum, p. 7, (Feb. 20, 2023).

² *Id* at 8; The police did not inform Wright as to why this car was the incorrect car.

³ *Id*.

statement a month later, Wright described the driver of the brown car only as a black man. Then, during a deposition in January, 1989, he recalled the driver as short, dark-skinned and having big lips. In a second deposition in March, 1989, Wright described the driver as about 5'6, 170 pounds, dark-skinned, muscle-bound, big lips, low haircut and a little overweight.⁴

On the day Wright first spoke with police regarding the robbery, Detective Robert Campbell showed Wright a book containing 250 photographs, of which Wright was unable to identify any suspects. A photograph of the claimant was not included in the book because he was not a suspect at that point in time.⁵ A few days later, and subsequent to Wright turning in claimant's license plate information, Wright was shown a lineup of six photographs that contained a photo of the claimant. Again, Wright did not make an identification.⁶

Following Wright's failure to identify claimant in the first photograph lineup containing claimant's photo, detectives met with claimant and asked if they could take an updated photo of him (the photograph used in the first lineup was from 1984), to which claimant fully cooperated, allowing the detectives to take the photo, but asserting his innocence.⁷

It was not until the third lineup of photographs that Wright made an identification of claimant.⁸ Wright met with the detectives on July 25, 1988, who showed him a second photograph lineup that contained the updated photo of claimant. The claimant was the only person included in both the first and second lineup.⁹

The claimant was arrested on October 6, 1988, and two weeks later identified by Wright during a live lineup of six people. As with the second photograph lineup Wright viewed, claimant was the only person to have appeared multiple times, this being the third time Wright had seen the claimant.

⁴ *Id.* at 5; It should be noted that the arrest report from 1988 lists the claimant as 6'0 and 183 pounds, which is inconsistent with the description given by Wright; *see also*, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:14:20.

⁵ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

⁶ *Id.*

⁷ *Id.* at 11.

⁸ *Id.*

⁹ *Id.*

Trial and Conviction

The state's case rested solely on Milton Wright's "identification" of claimant's vehicle, Vincent Wright's identification of claimant in the several lineups and the fact that claimant drove a brown Oldsmobile.¹⁰ Milton Wright, who had previously been deposed, did not testify at the trial.¹¹ On the first day of the trial, Vincent Wright identified claimant in the courtroom; this was the fourth time Wright had seen claimant and the third time he identified him as the driver of the brown Oldsmobile.¹² During his testimony, Wright told the story of how he received claimant's license tag number and also testified that the driver of the brown Oldsmobile was 5'6 and "heavyset."¹³ Anissia Johnson testified that she never identified any of the perpetrators.¹⁴ The state did not present any physical evidence that claimant's Oldsmobile ever had a hole in the trunk.¹⁵

The defense presented four alibi witnesses for claimant. Each alibi witness testified that claimant had been at his parents' house attending a Father's Day celebration all day on June 19, 1988. Further, three of the four witnesses testified that claimant's car had been parked beneath a tree in the front yard and did not move until claimant left the celebration that night.¹⁶ The fourth testifying witness, a friend of claimant's, testified that he drove claimant's car to pick up his girlfriend and was gone for about an hour, but that claimant stayed back at the house.¹⁷ Two additional witnesses gave depositions, but did not testify at claimant's trial.

A jury ultimately found the claimant guilty of armed robbery. At the sentencing hearing, the prosecutor asked the judge to sentence claimant to 825 years "to ensure that [claimant] won't be released from prison while he's breathing."¹⁸ The

¹⁰ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 58:00-58:25.

¹¹ Conviction Review Unit Final Memorandum, p. 7, (February 20, 2023).

¹² *Id.* at 11.

¹³ *Id.* at 6-7.

¹⁴ *Id.* at 10.

¹⁵ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:09:50; police records from when claimant's car had been reported stolen that same year do not mention a hole in the trunk of claimant's car.

¹⁶ Conviction Review Unit Final Memorandum, p. 18, (February 20, 2023).

¹⁷ *Id.*

¹⁸ *Id.* at 22.

prosecutor also intimated that he offered claimant a chance to avoid prison time if he would have given the identities of the other two perpetrators, but as claimant maintained he did not know the identities, he did not accept the offer. The judge ultimately sentenced claimant to 400 years in Florida State Prison.¹⁹

Review by the Conviction Review Unit and the Innocence Project of Florida, Inc.

Since first becoming a suspect in 1988, claimant has maintained his innocence.²⁰ The claimant submitted an application to have his case reviewed by the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office in November, 2020.²¹ When performing a preliminary review of claimant's case, the CRU determined he presented a plausible claim of innocence, and thus the CRU requested the IPF assist in claimant's claim for post-conviction relief.

Witness Interviews

Investigators conducted an interview with Vincent Wright on September 26, 2022, at the State Attorney's Office. Wright testified that the driver of the Oldsmobile never got out of the car and further, that he did not remember the car at all.²² He also testified that he didn't remember what the driver looked like and that the person he identified could have been either the driver or either of the two other perpetrators.²³

In June of 2022, the IPF re-interviewed Anissia Johnson who remained steadfast that because she was so focused on the gun one of the perpetrators was carrying, she was never able to identify any of the perpetrators.²⁴

Both Wright and Johnson stated they believed claimant should no longer be in prison. Johnson stated that she believed that even if claimant had committed the crime in 1988, "this happened so long ago that [she] feels like he

¹⁹ *Id.* at 23.

²⁰ *Id.* at 11.

²¹ *Id.* at 1.

²² *Id.* at 4, 7.

²³ *Id.* at 6, 11.

²⁴ *Id.* at 6.

served his time.”²⁵ Wright expressed similar sentiments, stating 30 years for this case “is a long time,” and that claimant should be released from prison.²⁶

The CRU conducted follow-up interviews with claimant’s alibis at trial who all maintained their stories from 1989.²⁷ All of claimant’s alibi witnesses remembered claimant being at the Father’s Day celebration all day and recall riding “dirt bikes or something like that.”²⁸

Although some of the details of the alibi reports were inconsistent with each other, which may lead to a lesser perception of honesty, research shows that “lying pairs can plan an alibi ahead of time, whereas truth-telling pairs will tend to instead rely on memory—which is prone to normal memory errors.”²⁹ So, even though the alibi witnesses’ stories may have contained some inconsistencies, the fact that they all recalled claimant being at the house the entire day, while not definitively proving his innocence, leads to additional support of his innocence claim.³⁰

Expert Witness Reports

Both the CRU and the IPF consulted separate eyewitness identification experts to review the events and procedures used in claimant’s case. Each expert identified a list of issues that “show an increase in the probability of unreliable identification made under the same circumstances.”³¹ IPF consulted Dr. Lora Levett, a tenured professor in the Department of Sociology and Criminology & Law at the University of Florida and past president of the American Psychology Law Society to review the documents from claimant’s case. Dr. Levett identified eleven issues that either contaminated the investigation or were outdated standards of procedure in law enforcement that would no longer be accepted today.

²⁵ *Id.* at 9.

²⁶ *Id.* at 10.

²⁷ The IPF investigators were able to re-interview five of the six alibi witnesses; claimant’s father has since passed away.

²⁸ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

²⁹ *Id.* at 19.

³⁰ *Id.*

³¹ *Id.* at 11, 12.

Chief among the issues Dr. Levett identified concerned issues with the lineup identifications and the fact that claimant was the only person who was in both photo lineups presented to Wright.³² According to Dr. Levett, research shows that the first lineup is the only “uncontaminated chance to test the witness’s memory,” because “it is impossible to tell whether Wright identified [claimant] in the second photo lineup because Wright’s memory was tainted from seeing [claimant] in the first photo lineup.”³³ Wright did not identify claimant when he was first shown claimant’s photo in the first photo lineup that included claimant.³⁴ Wright did, however, identify claimant in the second photo lineup, of which claimant was the only person appearing in both sets.³⁵ According to Dr. Levett, “the importance of focusing on the first identification test cannot be emphasized strongly enough,” so “if one focuses on the first identification test in this case, the witness did not identify [claimant] as the perpetrator.”³⁶

The CRU consulted Dr. Laura Shambaugh, an expert in legal psychology and an eyewitness memory researcher who is a volunteer with the CRU. Dr. Shambaugh concurred with Dr. Levett’s analysis and identified nine issues with claimant’s case. Like Dr. Levett, Dr. Shambaugh took issue with claimant being the only person to be featured in the first and second photo lineup, finding that “when witnesses view multiple lineups containing the same individual, it is difficult to know whether any subsequent recognition is from the witnesses’ memory trace of the crime, or the product of a source monitoring error (from having seen the individual in a prior lineup).”³⁷ She also found several issues with the fairness of the lineups: 1) the photos in the lineup were all lighter than the photo of claimant that was used; 2) the instructions given to Wright before the photo lineup was administered were not recorded;³⁸ and 3) the lineup administrator was the same detective that investigated the case, which may have led

³² Conviction Review Unit Final Memorandum, 14, (February 20, 2023).

³³ *Id.*

³⁴ *Id.* at 10.

³⁵ *Id.* at 11.

³⁶ *Id.* at 14.

³⁷ *Id.* at 17.

³⁸ Studies show that instructing the witness that the suspect may or may not be present in the lineup is important because the witness “may be more likely to make an identification out of the default belief that the suspect is present. Conviction Review Unit Final Memorandum, p.18, (February 20, 2023).

Wright to pick up on inadvertent clues to identify the claimant.³⁹

Studies into schema also show that when questioned about specifics that occurred previously, people tend to resort to their usual activities and routines to provide an answer.⁴⁰ When first questioned by police, claimant stated that he could not have participated in the robbery because his car had been stolen at the time. However, it was not until later in the investigation that claimant realized the robbery had occurred on Father's Day. Once this was revealed, he realized he had been at the Father's Day celebration and changed his alibi accordingly.⁴¹ At first glance, this may seem to indicate that claimant was lying about his alibi, but according to research into mistaken alibis, this is completely normal; "when suspects lack a memory for their whereabouts for a specific time in the past...they tend to resort to a backup strategy: they assess their "schemas"—their beliefs about what they normally do during the critical time period."⁴² So because claimant was not questioned until much later after the robbery occurred, in addition to not being told until later in the legal process that the robbery occurred on Father's Day, claimant resorted back to what he thought he would normally be doing four months prior—that his car had been stolen around that time and thus he did not have his car to commit the robbery. Once he realized the robbery occurred on Father's Day, he was better able to recall what he was specifically doing on the date in question.⁴³

In August of 2022, an IPF investigator interviewed Dave Pfaff, a historian at the R.E. Olds Transportation Museum, who told IPF that the Oldsmobile Cutlass was the best-selling car in America between 1976 and 1983 and was a "standout seller of the 1980s."⁴⁴ When asked during a 2022 interview to recall the perpetrator's vehicle, witness Anissia Johnson claimed, "man, that car was everywhere back then."⁴⁵ With the

³⁹ Best practices recommend that identification procedures be administered by computer or by an officer without any case-specific knowledge. *Id.*

⁴⁰ *Id.* at 20.

⁴¹ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:16:20.

⁴² Conviction Review Unit Final Memorandum, p. 20, (February 20, 2023), citing, Leins, D.A., & Charman, S. D. (2016). Schema reliance and innocent alibi generation. *Legal and Criminological Psychology*, 21, 111-126.

⁴³ *Id.* at 19-20.

⁴⁴ *Id.* at 8.

⁴⁵ *Id.*

popularity of the perpetrator's car, the CRU concluded that the probability of a misidentification was high.

Beginning in February, 2023, the CRU also worked with the Independent Review Panel ("IRP") in Broward County, a body of six Broward County residents, to review and provide its own recommendation for claimant's case.⁴⁶ After reviewing all of the documents relevant to claimant's case, the IRP unanimously concluded that there was reasonable doubt as to claimant's culpability, with five of the six members believing that claimant was innocent and that he should be exonerated immediately.⁴⁷ The IRP ultimately recommended that claimant's judgment and sentence be vacated and the State Attorney's Office should enter a Nolle Prosequi.⁴⁸

Prior Convictions and Prison Disciplinary Record

The claimant has two prior convictions for felony offenses stemming from separate incidents that occurred on August 31, 1984. In these incidents, claimant was the driver for an acquaintance who committed two armed robberies. When the pair were caught, claimant immediately confessed to his wrongdoing. Claimant ultimately pled guilty and was sentenced to 5.5 years in prison.⁴⁹ Claimant was released from prison on March 17, 1987. The claimant has never been convicted of any other misdemeanors or felonies.⁵⁰

During his 34 years in the Florida State Prison system related to this incident, claimant only had seven minor, non-violent violations, with his most recent violation occurring over 13 years ago in 2009.⁵¹ Upon his release, CRU investigators asked claimant how he maintained such a clean disciplinary record while in prison, to which claimant replied, "I believe in God and knew I was getting out."⁵²

Claimant also took full advantage of educational and vocational programs while in prison. He has completed many

⁴⁶ *Id.* at 3; See also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:31:50.

⁴⁷ *Id.* at 3.

⁴⁸ *Id.*

⁴⁹ *Id.* at 21.

⁵⁰ Special Master Hearing (Nov. 27, 2023), Testimony of Sidney L. Holmes at 2:49:45-2:50:00.

⁵¹ Conviction Review Unit Final Memorandum, p. 23, (Feb. 20, 2023); see also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:27:30.

⁵² Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:29:00.

certifications, including certifications in theology and has become a paralegal.⁵³

Conclusion

In conclusion, the CRU determined that there is reasonable doubt that claimant committed this crime, that it is “highly likely” that claimant is innocent, and that Broward County would not put claimant on trial for this crime today.⁵⁴ Although the State Attorney’s Office usually stays neutral concerning legislative claims bills, there is “no doubt at all” as to claimant’s innocence, and thus, State Attorney Harold Pryor and the State Attorney’s Office “fully supports” claimant in filing this bill.⁵⁵ On March 13, 2023, the court granted the state’s Motion to Vacate Judgment and Sentence.

CONCLUSIONS OF LAW:

Wrongful Incarceration under Chapter 961

Chapter 961, of the Florida Statutes, governs the general process for compensating victims of wrongful incarceration. The chapter requires a person claiming to be a victim of wrongful incarceration to prove that he or she is actually innocent of the crime and meet other criteria, such as not having been previously convicted of a violent felony offense or more than one nonviolent felony offense. A person who is wrongfully incarcerated is entitled to receive \$50,000 for each year of wrongful incarceration, which is prorated as necessary.⁵⁶ Any such individual may also receive a waiver of tuition and fees for up to 120 hours of instruction at a career center, Florida College System institution, or any state university;⁵⁷ as well as reimbursement of fines, fees and court costs paid,⁵⁸ and reasonable attorney’s fees and expenses incurred.⁵⁹ The total amount awarded may not exceed \$2 million.⁶⁰

⁵³ *Id.* at 1:28:00.

⁵⁴ *Id.* at 1:32:50.

⁵⁵ *Id.* 1:35:45-1:36:25.

⁵⁶ Section 961.06(1)(a), F.S. The amount of \$50,000 per year of wrongful incarceration may be adjusted to account for inflation for those wrongfully incarcerated after December 31, 2008. *Id.*

⁵⁷ Section 961.06(1)(b), F.S.

⁵⁸ Section 961.06(1)(c), F.S.

⁵⁹ Section 961.06(1)(d), F.S.

⁶⁰ Section 961.06(1), F.S.

Having been previously convicted for the 1984 robberies, the claimant did not seek relief under chapter 961, of the Florida Statutes, because he had prior convictions for unrelated felonies.

Evidentiary Standard for Victims of Wrongful Incarceration

Generally, a claimant seeking tort damages under a claim bill must prove entitlement to relief by a preponderance of the evidence – that is, more likely than not. When a claimant seeks a claim bill for wrongful incarceration, he or she must demonstrate actual innocence, but the appropriate burden of proof is not well-established.

When the Legislature created chapter 961, of the Florida Statutes, in 2008, establishing a statutory proceeding to compensate victims of wrongful incarceration, it included a requirement that the claimant demonstrate “actual innocence” by clear and convincing evidence before an administrative law judge. In addition, a person seeking compensation as provided in the statutory framework, could not have had any other felony conviction, other than the conviction for which he or she was wrongfully incarcerated.

Since the law was created, three individuals have received relief through a claim bill for wrongful incarceration: William Dillon in 2011,⁶¹ Clifford Williams in 2020⁶² and Robert Earl Duboise in 2023.⁶³ In those cases, the Special Masters applied a “clear and convincing” standard. This standard is an intermediate burden of proof requiring that the evidence is “precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue.”⁶⁴ This standard also requires “that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue.”⁶⁵

⁶¹ See Senate Bill 46 (2011).

⁶² See Senate Bill 28 (2020).

⁶³ See Senate Bill 62 (2023).

⁶⁴ Florida Standard Jury Instructions in Civil Cases, No. 405.4, *available at* <https://supremecourt.flcourts.gov/content/download/243071/file/entire-Documents.pdf> (last visited February 13, 2025).

⁶⁵ *Slomowitz v. Walker*, 429 So.2d 797, 800, (4th DCA 1983).

The Legislature is not bound by a previous Legislature's application of the clear and convincing standard. However, the Legislature's previous application of that standard, coupled with the Legislature's requirement of that same standard for a person claiming to be a victim of wrongful incarceration under chapter 961, of the Florida Statutes, demonstrates that this standard is the appropriate standard for wrongful incarceration cases.

Because the Legislature has demonstrated an intent to hold persons claiming to be victims of wrongful incarceration to this higher evidentiary standard, I find that the clear and convincing standard shall apply.

Conclusions Based upon Findings of Fact and Clear and Convincing Evidence

The conviction of the claimant was based primarily on the eyewitness account and identification of Vincent Wright and the civilian investigation completed by Milton Wright, who was not even at the scene of the crime. There is no physical evidence tying the claimant to the crime. The state failed to show that claimant's car ever had a hole in the trunk, only that claimant owned a similar car to the one driven by the actual perpetrator. Without Milton Wright's identification of claimant's vehicle, the claimant never would have become a suspect. This is further emphasized by the ubiquity of the model of car driven by the alleged perpetrator and the claimant.

Additionally, Vincent Wright did not identify claimant in the first lineup he was shown that contained the claimant. However, he did identify claimant in subsequent lineups. With the expert testimony regarding eyewitness reliability and the problems with the practices and procedures surrounding the multiple lineups, it is highly likely that the claimant was misidentified and should not have stood trial in the first place. Further, even if he had been a suspect, the Seventeenth Judicial Circuit would choose not to charge claimant if the case were presented today.

Six alibi witnesses of the claimant all stated he was with them at the Father's Day celebration on June 19, 1988. In 2022, all five of the witnesses that were re-interviewed maintained their claims that claimant was with them all day and that he did not

leave the house. While they misremembered details of the day, for example, whether they were riding a go-kart or a dirt bike, or what color the go-kart may have been, they all remained steadfast in their overall statements. As provided by the expert witnesses, these small, misremembered details amongst the alibi witnesses are normal and tend to display a more truthful testimony.

During her testimony at the Special Master Hearing on November 27, 2023, Assistant State Attorney Arielle Demby Berger stated that the position of the Broward State Attorney's Office is that it "fully support[s] it (the claims bill). We're not staying neutral. This is what our office did by agreeing to vacate the conviction based on *actual innocence*."⁶⁶ (emphasis added).

Given the evidence provided during the claim bill process which includes the Motion for Post-Conviction Relief and to Vacate Judgments, Convictions, and Sentences, the Amended Order Vacating Judgments, Convictions, and Sentences, the testimony of the claimant, the expert reports and their findings of multiple issues showing an increase in the probability of unreliable identification and the unequivocal assertion by the CRU that the claimant is actually innocent, the undersigned finds that the claimant has demonstrated actual innocence by clear and convincing evidence.

The claimant was wrongfully incarcerated for 34 years, 5 months and 7 days. At the statutory amount of \$50,000 per year of wrongful incarceration, the sum of \$1,722,000 appears correct.

ATTORNEY FEES:

The instant claim bill does not allow for any funds awarded to claimant to be used toward attorney or lobbying fees related to this claim. Attorneys for IPF representing claimant have also submitted an affidavit stating that all representation is *pro bono* and that no fees awarded will go toward any attorney or lobbying fees.⁶⁷

⁶⁶ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:35:40-1:36:25.

⁶⁷ Miller, Seth, Aff., ¶ 5, (September 15, 2023).

RECOMMENDATIONS:

Based upon the evidence submitted prior to and during the special master hearing, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence. There is clear and convincing evidence that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice, and the relief sought is reasonable. Based upon the foregoing, the undersigned recommends SB 10 be reported FAVORABLY.

Respectfully submitted,

Nathan L. Bond

Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute no longer includes provisions from the original bill that would have waived the standard requirement that the recipient of a claim bill execute a release of all liability as a condition of payment of the claim bill proceeds. The amendment also removes from the bill provisions that would allow this claimant to pursue new or additional responsible parties. With this amendment, the bill's provisions are consistent with past claim bills awarding damages for wrongful incarceration.

By the Committee on Criminal Justice; and Senators Berman, Rodriguez, DiCeglie, Pizzo, Smith, and Garcia

591-03141-25

2025240c1

1 A bill to be entitled
 2 An act relating to victims of domestic violence and
 3 dating violence; defining terms; requiring the
 4 Division of Telecommunications within the Department
 5 of Management Services to consult with certain
 6 entities to conduct a feasibility study regarding a
 7 specified alert system; providing requirements for
 8 such alert system; requiring the division to report to
 9 the Legislature the results of the feasibility study
 10 by a specified date; amending s. 741.401, F.S.;
 11 revising legislative findings to include victims of
 12 dating violence; reordering and amending s. 741.402,
 13 F.S.; defining the term "dating violence"; amending s.
 14 741.403, F.S.; authorizing victims of dating violence
 15 to apply to participate in the Attorney General's
 16 address confidentiality program; amending s. 741.408,
 17 F.S.; requiring the Attorney General to designate
 18 certain entities to assist victims of dating violence
 19 applying to be address confidentiality program
 20 participants; amending ss. 741.4651 and 960.001, F.S.;
 21 conforming provisions to changes made by the act;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Domestic and dating violence 911 alert system
 27 feasibility study.-

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

29 (a) "Division" means the Division of Telecommunications

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

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30 within the Department of Management Services.
 31 (b) "Enhanced 911" has the same meaning as in s.
 32 365.172(3), Florida Statutes.
 33 (c) "Next Generation 911" has the same meaning as in s.
 34 365.172(3), Florida Statutes.
 35 (d) "Public safety agency" has the same meaning as in s.
 36 365.172(3), Florida Statutes.
 37 (e) "Public safety answering point" or "PSAP" has the same
 38 meaning as in s. 365.172(3), Florida Statutes.
 39 (2) The division shall consult with enhanced 911 and Next
 40 Generation 911 service providers; state, county, and municipal
 41 PSAPs; and state and local public safety agencies to conduct a
 42 feasibility study regarding the creation of a web-based 911
 43 alert system for use by victims of domestic violence and dating
 44 violence which is capable of:
 45 (a) Ensuring real-time data-sharing between PSAPs and law
 46 enforcement agencies.
 47 (b) Creating a unique telephone number for each user which
 48 will connect the user to a PSAP.
 49 (c) Creating a user-generated numerical code or phrase that
 50 can be utilized by the user after contacting a PSAP which
 51 indicates the user's need for immediate law enforcement
 52 assistance.
 53 (d) Transmitting specified data to law enforcement agencies
 54 when a user calls from his or her unique telephone number and
 55 enters his or her numerical code or phrase.
 56 (3) By January 31, 2026, the division must report to the
 57 President of the Senate and the Speaker of the House of
 58 Representatives the results of the feasibility study.

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

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

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

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

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

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

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

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

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

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

100 741.403 Address confidentiality program; application;
101 certification.—

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

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

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117 safety or the safety of the minor or incapacitated person on
118 whose behalf the application is made.

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

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

125 741.408 Assistance for program applicants.—The Attorney
126 General shall designate state and local agencies and nonprofit
127 agencies that provide counseling and shelter services to victims
128 of domestic violence and dating violence to assist persons
129 applying to be program participants. Assistance and counseling
130 rendered by the Office of the Attorney General or its designees
131 to applicants does not constitute legal advice.

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

134 741.4651 Public records exemption; victims of stalking or
135 aggravated stalking.—The names, addresses, and telephone numbers
136 of persons who are victims of stalking or aggravated stalking
137 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
138 Constitution in the same manner that the names, addresses, and
139 telephone numbers of participants in the Address Confidentiality
140 Program for Victims of Domestic and Dating Violence which are
141 held by the Attorney General under s. 741.465 are exempt from
142 disclosure, provided that the victim files a sworn statement of
143 stalking with the Office of the Attorney General and otherwise
144 complies with the procedures in ss. 741.401-741.409.

145 Section 7. Paragraph (c) of subsection (1) of section

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146 960.001, Florida Statutes, is amended to read:

147 960.001 Guidelines for fair treatment of victims and
148 witnesses in the criminal justice and juvenile justice systems.—

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

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

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

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 240

INTRODUCER: Criminal Justice Committee and Senator Berman and others

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: April 9, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 240 requires the Department of Management Services to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence. The bill defines terms, establishes system capability requirements, and reporting requirements for such study.

Additionally, the bill authorizes a victim of dating violence to apply to participate in the Address Confidentiality Program within the Office of the Attorney General and requires designated state and local entities that provide counseling and shelter services to victims of domestic violence to provide those services to victims of dating violence as well.

The bill has an insignificant negative impact to state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It can happen at any age, but young women are most likely to experience dating violence. More

than four in 10 college women have experienced violence or abuse in a dating relationship and up to 19 percent of teens experience dating violence.¹

Domestic Violence

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

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

Dating Violence

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

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

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

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

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and

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

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

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

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

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

⁶ Section 784.046(1)(d), F.S.

⁷ Section 784.046(1)(a), F.S.

who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.⁸

Domestic Violence Investigations

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

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

⁸ Section 784.046(2)(b), F.S.

⁹ Section 741.29(1)(a), F.S.

¹⁰ Section 741.29(1)(b), F.S.

¹¹ Section 741.29(1)(c), F.S.

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

¹³ Section 741.29 (3), F.S.

¹⁴ Section 741.29(4), F.S.

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

Domestic Violence Training

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Address Confidentiality Program

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

Application Process and Certification

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

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

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

¹⁷ Section. 741.401, F.S.

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

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

²⁰ Section 741.403(1), F.S.

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

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

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

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

Agency Use of Substitute Address

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

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

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

- Maintain the confidentiality of a program participant's actual address information;
- Limit the use of and access to that address;

²¹ Section 741.403(3), F.S.

²² Section 741.404(1) and (4), F.S.

²³ Section 741.404(2) and (3), F.S.

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

Section 741.405(8), F.S.

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

²⁶ Section 741.405(1), F.S.

²⁷ Section 741.405(2), F.S.

- Designate an address disposition date after which the agency or entity may no longer maintain the record of the actual address; and,
- Comply with any other provisions and qualifications determined appropriate by the Attorney General.²⁸

Supervisor of Elections Use of Substitute Address

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

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.³⁰ The Emergency Communications Act prohibits the misuse of the 911, E911,³¹ and NG911³² systems.

Since 1974, Florida law has designated "911" as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.^{33, 34} In 1999, the concept of "Enhanced 911" or "E911" service was established in Florida law to describe 911 service provided to wireless telephone users.³⁵ Today, under the Emergency Communications Number E911 Act,³⁶ the term "E911," as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services³⁷ with 911 service.

²⁸ Section 741.405(4), F.S.

²⁹ Section 741.406, F.S.

³⁰ Section 365.172(2)(a)-(b), F.S.

³¹ "Enhanced 911" or "E911" means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

³² "Next Generation 911" or "NG911" means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

³³ Chapter 74-357, L.O.F.

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

³⁵ Chapter 99-367, L.O.F.

³⁶ Chapter 2007-78, L.O.F.

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

E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.³⁸ PSAPs receiving incoming 911 requests for assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.³⁹

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

Statewide Emergency Communications Plan

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

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

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

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

adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service. Section 365.172(3)(ee), F.S.

³⁸ Section 365.172(3)(i), F.S.

³⁹ Section 365.172(3)(aa), F.S.

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

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

⁴² Section 365.171(4), F.S.

⁴³ *Id.*

⁴⁴ Section 365.171(5), F.S.

⁴⁵ Section 365.171(9), F.S.

III. Effect of Proposed Changes:

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

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

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

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

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

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

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

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

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

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

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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

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

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

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

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the Division to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence. The costs of the feasibility study may 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: 741.401, 741.402, 741.403, 741.408, 741.4651, and 960.001.

This bill creates an undesignated section of the Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Criminal Justice on April 1, 2025:

This Committee Substitute:

- Removes language creating the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study and: defines terms; requires the Division of Telecommunications within the Department of Management Services to consult with

specified agencies to conduct such feasibility study regarding the creation of a web-based 911 alert system for victims of domestic and dating violence with certain capabilities; and provides a reporting requirement.

- Amends s. 741.402, F.S., to define “dating violence” in s. 741.402, F.S., and amends the address confidentiality program under the Office of the Attorney General, to allow victims of dating violence to be eligible and extend the public records exemption therein.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Leek

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1 A bill to be entitled
 2 An act relating to aggravated animal cruelty;
 3 providing a short title; amending s. 828.12, F.S.;
 4 requiring the Department of Law Enforcement to post on
 5 its website the names of certain individuals who have
 6 violated specified animal cruelty provisions; amending
 7 s. 921.0024, F.S.; providing a sentencing multiplier
 8 for specified offenses of aggravated animal cruelty;
 9 providing applicability; providing an effective date.

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

11 Section 1. This act may be cited as "Dexter's Law."
 12 Section 2. Subsection (7) is added to section 828.12,
 13 Florida Statutes, to read:
 14 828.12 Cruelty to animals.—
 15 (7) Beginning January 1, 2026, the Department of Law
 16 Enforcement shall post on its website, in a searchable format
 17 prescribed by the department, the names of those individuals who
 18 have been convicted of, or who have entered a plea of guilty or
 19 nolo contendere to, regardless of adjudication, a violation of
 20 this section.
 21 Section 3. Subsection (1) of section 921.0024, Florida
 22 Statutes, is amended to read:
 23 921.0024 Criminal Punishment Code; worksheet computations;
 24 scoresheets.—
 25 (1) (a) The Criminal Punishment Code worksheet is used to
 26 compute the subtotal and total sentence points as follows:
 27
 28
 29

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30 FLORIDA CRIMINAL PUNISHMENT CODE
 31 WORKSHEET
 32
 33 OFFENSE SCORE
 34
 35 Primary Offense

36 Level	Sentence Points	=	Total
37 10	116	=
38 9	92	=
39 8	74	=
40 7	56	=
41 6	36	=
42 5	28	=
43 4	22	=
44 3	16	=
45 2	10	=
46 1	4	=

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47
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Total

Additional Offenses

Level	Sentence Points		Counts		Total
10	58	x	=
9	46	x	=
8	37	x	=
7	28	x	=
6	18	x	=
5	5.4	x	=
4	3.6	x	=
3	2.4	x	=
2	1.2	x	=
1	0.7	x	=

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62
63
64
65
66
67
68
69
70
71
72
73
74
75

M 0.2 x =

Total

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	=
Death	120	x	=
Severe	40	x	=
Moderate	18	x	=
Slight	4	x	=
Sexual penetration	80	x	=

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Sexual					
contact	40	x	=
					Total
Primary Offense + Additional Offenses + Victim Injury =					
TOTAL OFFENSE SCORE					
PRIOR RECORD SCORE					
Prior Record					
Level	Sentence Points		Number		Total
10	29	x	=
9	23	x	=
8	19	x	=
7	14	x	=
6	9	x	=
5	3.6	x	=

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4	2.4	x	=
3	1.6	x	=
2	0.8	x	=
1	0.5	x	=
M	0.2	x	=
					Total
TOTAL OFFENSE SCORE					
TOTAL PRIOR RECORD SCORE					
LEGAL STATUS					
COMMUNITY SANCTION VIOLATION					
PRIOR SERIOUS FELONY					
PRIOR CAPITAL FELONY					
FIREARM OR SEMIAUTOMATIC WEAPON					
SUBTOTAL.....					
PRISON RELEASEE REOFFENDER (no) (yes)					
VIOLENT CAREER CRIMINAL (no) (yes)					
HABITUAL VIOLENT OFFENDER (no) (yes)					
HABITUAL OFFENDER (no) (yes)					

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115 AGGRAVATED ANIMAL CRUELTY (no)(yes) (x multiplier)

116 DRUG TRAFFICKER (no)(yes) (x multiplier)

117 LAW ENF. PROTECT. (no)(yes) (x multiplier)

118 MOTOR VEHICLE THEFT (no)(yes) (x multiplier)

119 CRIMINAL GANG OFFENSE (no)(yes) (x multiplier)

120 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes)

121 (x multiplier).....

122 ADULT-ON-MINOR SEX OFFENSE (no)(yes) (x multiplier)

123

124 TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a

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violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later,

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173 is within 3 years before the date the primary offense or any
174 additional offense was committed.

175
176 Prior capital felony points: If the offender has one or more
177 prior capital felonies in the offender's criminal record, points
178 shall be added to the subtotal sentence points of the offender
179 equal to twice the number of points the offender receives for
180 the primary offense and any additional offense. A prior capital
181 felony in the offender's criminal record is a previous capital
182 felony offense for which the offender has entered a plea of nolo
183 contendere or guilty or has been found guilty; or a felony in
184 another jurisdiction which is a capital felony in that
185 jurisdiction, or would be a capital felony if the offense were
186 committed in this state.

187
188 Possession of a firearm, semiautomatic firearm, or machine gun:
189 If the offender is convicted of committing or attempting to
190 commit any felony other than those enumerated in s. 775.087(2)
191 while having in his or her possession: a firearm as defined in
192 s. 790.001, an additional eighteen (18) sentence points are
193 assessed; or if the offender is convicted of committing or
194 attempting to commit any felony other than those enumerated in
195 s. 775.087(3) while having in his or her possession a
196 semiautomatic firearm as defined in s. 775.087(3) or a machine
197 gun as defined in s. 790.001, an additional twenty-five (25)
198 sentence points are assessed.

199
200 Sentencing multipliers:
201

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202 Aggravated Animal Cruelty: If the primary offense is aggravated
203 animal cruelty under s. 828.12(2), which included the knowing
204 and intentional torture or torment of an animal that injured,
205 mutilated, or killed the animal, the subtotal sentence points
206 are multiplied by 1.25. As used in this paragraph, the term
207 "animal" does not include an animal used for agricultural
208 purposes or permitted as captive wildlife as authorized under s.
209 379.303.

210
211 Drug trafficking: If the primary offense is drug trafficking
212 under s. 893.135, the subtotal sentence points are multiplied,
213 at the discretion of the court, for a level 7 or level 8
214 offense, by 1.5. The state attorney may move the sentencing
215 court to reduce or suspend the sentence of a person convicted of
216 a level 7 or level 8 offense, if the offender provides
217 substantial assistance as described in s. 893.135(4).

218
219 Violent offenses committed against specified justice system
220 personnel: If the primary offense is a violation of s.
221 775.0823(2), (3), or (4), the subtotal sentence points are
222 multiplied by 2.5. If the primary offense is a violation of s.
223 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
224 are multiplied by 2.0. If the primary offense is a violation of
225 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
226 subtotal sentence points are multiplied by 1.5.

227
228 Grand theft of a motor vehicle: If the primary offense is grand
229 theft of the third degree involving a motor vehicle and in the
230 offender's prior record, there are three or more grand thefts of

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231 the third degree involving a motor vehicle, the subtotal
 232 sentence points are multiplied by 1.5.
 233
 234 Offense related to a criminal gang: If the offender is convicted
 235 of the primary offense and committed that offense for the
 236 purpose of benefiting, promoting, or furthering the interests of
 237 a criminal gang as defined in s. 874.03, the subtotal sentence
 238 points are multiplied by 1.5. If applying the multiplier results
 239 in the lowest permissible sentence exceeding the statutory
 240 maximum sentence for the primary offense under chapter 775, the
 241 court may not apply the multiplier and must sentence the
 242 defendant to the statutory maximum sentence.
 243
 244 Domestic violence in the presence of a child: If the offender is
 245 convicted of the primary offense and the primary offense is a
 246 crime of domestic violence, as defined in s. 741.28, which was
 247 committed in the presence of a child under 16 years of age who
 248 is a family or household member as defined in s. 741.28(3) with
 249 the victim or perpetrator, the subtotal sentence points are
 250 multiplied by 1.5.
 251
 252 Adult-on-minor sex offense: If the offender was 18 years of age
 253 or older and the victim was younger than 18 years of age at the
 254 time the offender committed the primary offense, and if the
 255 primary offense was an offense committed on or after October 1,
 256 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
 257 violation involved a victim who was a minor and, in the course
 258 of committing that violation, the defendant committed a sexual
 259 battery under chapter 794 or a lewd act under s. 800.04 or s.

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

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260 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
 261 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 262 800.04; or s. 847.0135(5), the subtotal sentence points are
 263 multiplied by 2.0. If applying the multiplier results in the
 264 lowest permissible sentence exceeding the statutory maximum
 265 sentence for the primary offense under chapter 775, the court
 266 may not apply the multiplier and must sentence the defendant to
 267 the statutory maximum sentence.
 268 Section 4. This act shall take effect July 1, 2025.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 494

INTRODUCER: Criminal Justice Committee and Senator Leek

SUBJECT: Aggravated Animal Cruelty

DATE: April 9, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</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>FP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 494, which may be cited as “Dexter’s Law,” amends s. 828.12, F.S., to provide that beginning January 1, 2026, the Florida Department of Law Enforcement (FDLE) will post on its website the names of those persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The information posted on the FDLE website will be in a searchable format prescribed by the department.

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant’s subtotal points by 1.25 for the crime of Aggravated Animal Cruelty. The offense must have included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal.

The bill has an insignificant negative fiscal impact to FDLE. The bill may also have a positive indeterminate impact on prison beds by increasing the minimum permissible sentence that a court may sentence an offender for the specified offense. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Animal Cruelty Offenses

Section 828.12(1), F.S., provides first degree misdemeanor penalties¹ for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or
- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of this statute may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.²

Section 828.12(2), F.S., specifies that a person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree.³

Also, s. 828.13(2)(a), (b), and (c) F.S., provide that a person commits a first degree misdemeanor⁴ if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased.

Section 828.13(3), F.S., prohibits a person who is the owner or possessor or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal which is punishable as a misdemeanor of the first degree.⁵

¹ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$5,000 fine or both. ss. 775.082 and 775.083, F.S.

² Section 828.12(6), F.S.

³ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. However, a violation of s. 828.12(2), F.S., may result in a fine of up to \$10,000. Sections 775.083(1)(g), and 828.12(2), F.S.

⁴ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.083(1)(g), and 828.13(2), F.S.

⁵ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(3), F.S., may result in a fine of up to \$5,000. Sections 775.083(1)(g), and 828.13(3), F.S.

Section 828.13(1)(a), F.S., defines the term “abandon” to mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.⁶ Whoever abandons, impounds, or confines any animal in any place and:

- Fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased; commits a first degree misdemeanor.⁷

Any person who knowingly commits any of the following acts of fighting or baiting animals commits a felony of the third degree⁸:

- Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
- Owning, possessing, or selling equipment for use in any activity described in paragraph (a);
- Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);
- Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
- Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
- Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;
- Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
- Attending the fighting or baiting of animals.⁹

Additionally, a person may not:

- Knowingly engage in any sexual contact with an animal;
- Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;
- Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control;

⁶ The term “owner” is defined as any owner, custodian, or other person in charge of an animal. s. 828.13(1)(b), F.S.

⁷ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.083(1)(g), and 828.13(2), F.S.

⁸ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S. In addition to other penalties the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court. Section 828.122(8), F.S.

⁹ “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals. “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds. Section 828.122(2), F.S.

- Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or
- Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.¹⁰

A person who violates this section commits a felony of the third degree.¹¹

In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to five years after the date of the conviction, regardless of whether adjudication is withheld.¹²

Animal Abuse Registries in Florida

Hillsborough County became the first county in Florida to establish an animal-abuser registry, requiring that any individual residing in Hillsborough County, who has been convicted of an animal-abuse offense on or after November 1, 2016, must self-register within 10 business days after their release from incarceration or from the date of the conviction.¹³ The registry contains the names, residences, photographs, and other related information of those living in the county who are convicted of an animal offense on or after November 1, 2016.¹⁴

Under the Hillsborough County ordinance, an “animal abuser” is defined as a person convicted of cruelty to animals under s. 828.12, F.S., and other animal cruelty offenses. Registrants must remain on the registry for a period of three years for a first conviction of a misdemeanor animal cruelty offense; for a period of five years for a first conviction of a felony abuse offense; or for a period of 10 years for a second or subsequent conviction of either a misdemeanor or felony abuse offense.¹⁵

In addition, registrants are not allowed to own, possess, and/or reside in the same household or on the same property as an animal while on the registry; prohibited from working with a companion animal, with or without compensation; and strictly prohibited from adopting, purchasing, or otherwise obtaining certain animals from any animal shelter, pet seller, or other

¹⁰ Sexual activities involving animals. Section 828.126, F.S.

¹¹ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

¹² Section 828.126(4), F.S.

¹³ Hillsborough County Animal Abuser Registry Documents and Resources; available at Animal Abuser Registry Documents & Resources | Hillsborough County, FL; (last visited March 23, 2025). Tampa Bay Creative Loafing, Kate Bradshaw, February 11, 2016, The worst offenders: Hillsborough may become the first county in Florida to adopt an animal abuser registry; available at <https://www.ctampa.com/news/the-worst-offenders-hillsborough-may-become-the-first-county-in-florida-to-adopt-an-animal-abuser-registry-12289553>; (last visited April 4, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at <https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/>; (last visited April 4, 2025).

¹⁴ *Id.*

¹⁵ *Id.*

person or entity involved in the exchange of animals by adoption, sale, or other means.¹⁶ The ordinance went into effect on November 1, 2016.¹⁷

Marion County commissioners approved an animal-abuser registry ordinance named “Molly’s Law,” after an American Boxer mix was severely abused in 2014.¹⁸ An examination of the animal revealed that Molly had been brutally beaten with a bat, suffered a fractured skull, and had been stabbed with a knife through the top of her head three times.¹⁹ The ordinance, similar to the animal-abuser registry ordinance in Hillsborough County, took effect on January 1, 2017²⁰.

Animal abuser registries also exist in the following local jurisdictions among others:

- Lee County²¹
- Seminole County²²
- Miami-Dade County²³
- Volusia County²⁴
- City of Tallahassee²⁵
- Collier County²⁶

Criminal Punishment Code

The Criminal Punishment Code²⁷ (Code) is Florida’s primary sentencing policy. Noncapital degrees of felonies sentenced under the Code are assigned an offense severity level ranking (Levels 1-10).²⁸ Sentencing points accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ “Molly’s Law” Keeps Animal Abusers from Owning Pets in Marion County, WFTV, Dec. 27, 2016, available at <http://www.wftv.com/news/local/mollys-law-keeps-animal-abusers-from-owning-pets-in-marion-county/479178907>; (last visited March 23, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at <https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/>; (last visited April 4, 2025).

¹⁹ *Id.*

²⁰ *Id.*

²¹ Lee County, available at <https://www.sheriffleefl.org/animal-abuser-search/> (last visited April 4, 2025).

²² Seminole County, available at <https://www.seminolecountyfl.gov/departments-services/prepare-seminole/animal-services/animal-abuse-registry.shtml>; (last visited April 4, 2025).

²³ Miami-Dade County, available at <https://www.miamidade.gov/Apps/ASD/crueltyweb/> (last visited April 4, 2025).

²⁴ Volusia County, available at <https://www.volusia.org/services/public-protection/animal-services/animal-abuse-listing.shtml>; (last visited April 4, 2025).

²⁵ City of Tallahassee, available at <https://www.talgov.com/animals/asc-abuse> (last visited April 4, 2025).

²⁶ Collier County, available at <https://www2.colliersheriff.org/animalabusesearch/Enjoined> (last visited April 4, 2025).

²⁷ 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.

²⁸ Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

III. Effect of Proposed Changes:

The bill provides that the act may be cited as “Dexter’s Law.”

The bill amends s. 828.12, F.S., to provide that beginning January 1, 2026, the FDLE must post on its website, in a searchable format, the names of persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant’s subtotal points by 1.25 for the crime of Aggravated Animal Cruelty, under s. 828.12(2), F.S. The bill specifies that the Aggravated Animal Cruelty offense must be the primary offense, or the multiplier will not apply.

The offense must include the knowing and intentional torture or torment of an animal that was injured, mutilated, or killed the animal. The definition of the term animal in this sentencing point multiplier does not include an animal used for agricultural purposes or permitted as captive wildlife as authorized under s. 379.303, F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by 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 FDLE estimates \$12,000 in programmatic changes to fulfill the requirements of the bill.²⁹ The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier for the crime of Aggravated Animal Cruelty. This may have a positive indeterminate impact on prison beds by increasing the minimum permissible sentence that a court may sentence an offender.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Although it is likely that the Clerks of Court will provide the information to the FDLE for the Animal Abuser website, the bill does not require the Clerks to provide this information.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12 and 921.0024.

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

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

CS by Criminal Justice on March 25, 2025:

- Amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant's subtotal points by 1.25 for the crime of Aggravated Animal Cruelty, under s. 828.12(2), F.S.
- Names the act "Dexter's Law."

B. Amendments:

None.

²⁹ 2025 FDLE Legislative Bill Analysis, February 21, 2025; (*On file with the Senate committee on Criminal Justice.*).

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

By Senator Avila

39-00360A-25

2025500__

1 A bill to be entitled
 2 An act relating to the Spectrum Alert; creating s.
 3 937.0401, F.S.; providing legislative findings;
 4 requiring the Department of Law Enforcement, in
 5 cooperation with the Department of Transportation, the
 6 Department of Highway Safety and Motor Vehicles, the
 7 Department of the Lottery, and local law enforcement
 8 agencies, to establish and implement the Spectrum
 9 Alert; requiring the department, in cooperation with
 10 specified entities, to develop a training program and
 11 alert system for missing children with autism spectrum
 12 disorder which is compatible with existing alert
 13 systems; specifying requirements for the training
 14 program; requiring the Department of Law Enforcement
 15 to establish specified policies and procedures;
 16 authorizing the department to adopt rules; providing
 17 an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 937.0401, Florida Statutes, is created
 22 to read:

23 937.0401 Spectrum Alert.—

24 (1) The Legislature finds that autism spectrum disorder
 25 (ASD) significantly affects children in this country, creating
 26 unique challenges that can lead to critical safety risks,
 27 notably elopement or wandering behaviors in children. Children
 28 with ASD are prone to wander from safe environments, at a higher
 29 rate than their non-autistic peers. Elopement frequently results

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39-00360A-25

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30 in severe consequences, including fatal traffic accidents and
 31 drownings. Notably, drowning is the leading cause of death of
 32 children with ASD in this country, with Florida ranking fifth in
 33 the nation. The high propensity for elopement and the
 34 ineffectiveness of traditional search and response methods
 35 necessitates a robust system that will swiftly locate and ensure
 36 the safety of missing children with ASD. The Legislature finds
 37 that a standardized system is necessary to aid in the search for
 38 a missing child with ASD.

39 (2) The Department of Law Enforcement, in cooperation with
 40 the Department of Transportation, the Department of Highway
 41 Safety and Motor Vehicles, the Department of the Lottery, and
 42 local law enforcement agencies, shall establish and implement
 43 the Spectrum Alert to enhance the safety and well-being of
 44 children with ASD through immediate and effective community and
 45 emergency response.

46 (3) The Department of Law Enforcement, in cooperation with
 47 the Department of Transportation, the Department of Highway
 48 Safety and Motor Vehicles, the Department of the Lottery, and
 49 local law enforcement agencies, shall:

50 (a) Develop a training program and alert system for missing
 51 children with ASD which is compatible with existing alert
 52 systems. The training program must implement crisis intervention
 53 team training to equip law enforcement officers with the skills
 54 to understand ASD and other mental illnesses, to de-escalate
 55 interactions with children in crisis, to facilitate appropriate
 56 interventions, and to respond effectively to a reported missing
 57 child emergency when the child has ASD.

58 (b) Establish policies and procedures for responding to a

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59 reported missing child emergency when the child has ASD. The
60 policies and procedures must, at a minimum, provide for all of
61 the following:

62 1. Immediate and widespread dissemination of critical
63 information when a child with ASD is reported missing.

64 2. Enhancement of emergency response teams' competence by
65 informing them of the unique behaviors and needs of children
66 with ASD.

67 3. Measures to increase public awareness and understanding
68 of the risks associated with autism-related elopement, to foster
69 community support for children with ASD.

70 (c) Require a law enforcement agency, at a minimum, to do
71 all of the following when receiving such a report:

72 1. Contact media outlets in the affected area or
73 surrounding jurisdictions.

74 2. Inform all on-duty law enforcement officers of the
75 reported missing child with ASD.

76 3. Communicate the report to all other law enforcement
77 agencies in the counties surrounding the county in which the
78 report was filed.

79 (4) The Department of Law Enforcement may adopt rules to
80 implement and administer this section.

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

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 500

INTRODUCER: Senator Avila

SUBJECT: Spectrum Alert

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 500 creates s. 937.0401, F.S., to establish and implement the “Spectrum Alert” standardized system by the Department of Law Enforcement (FDLE), in cooperation with the Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (Lottery) and local law enforcement agencies to enhance the safety and well-being of children with autism spectrum disorder (ASD) through immediate effective community response.

The bill also requires those agencies to:

- Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD. The bill specifies what policies and procedures must be included.
- Provide requirements for a law enforcement agency, when receiving such a report.

State and local agencies may incur workload and other costs associated with the bill. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Autism and Autism Spectrum Disorder

Definition

ASD is a developmental disability caused by differences in the brain. Some people with ASD have a known difference, such as a genetic condition. Other causes are not yet known. Scientists believe there are multiple causes of ASD that act together to change the most common ways people develop. There is still much to learn about the causes and how they impact people with ASD. Early intervention services can greatly improve the development of a child with ASD.¹

Section 627.6686(2)(b), F.S., defines “autism spectrum disorder” to mean any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder.
- Asperger’s syndrome.
- Pervasive developmental disorder not otherwise specified.²

ASD Screening and Diagnosis

Currently, there is no medical ASD test, like a blood test, to diagnose the disorder. Instead, experienced medical professionals examine a person’s developmental history and behavior, interview and observe the person and their loved ones, and use professional screening and diagnostic tools to make a diagnosis.³

Rise in Autism Diagnosis

The Centers for Disease Control and Prevention (CDC) estimates that, in the United States, 1 in 36 children have been identified as having ASD, based on 2020 data from the Autism and Developmental Disabilities Monitoring network. This is a significant increase from prior years where:⁴

- 1 in 150 children were identified in 2002.
- 1 in 110 children were identified in 2006.
- 1 in 68 children were identified in 2010.
- 1 in 59 children were identified in 2014.
- 1 in 44 children were identified in 2018.

The United States has the fourth highest rate of autism behind the United Kingdom, Sweden, and Japan according to data gathered by the World Population Review. The source acknowledges some of the difficulties in making comparisons among different countries are due to the lack of

¹ Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, available at <https://www.cdc.gov/autism/about/index.html> (last visited March 18, 2025).

² Section 627.6686, F.S.

³ Autism Speaks, *Autism screening*, available at <https://www.autismspeaks.org/autism-screening> (last visited March 18, 2025).

⁴ Centers for Disease Control and Prevention, *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years – Autism and Developmental Disabilities Monitoring Network*, (11 Sites, United States, 2020), available at <https://www.cdc.gov/mmwr/volumes/72/ss/ss7202a1.htm> (last visited on March 18, 2025).

uniform criteria for assessing and diagnosing autism, lack of resources, and failure of some counties to track or report autism rates.⁵

Elopement and ASD

Elopement is when someone leaves a safe area or a responsible caregiver. First responders are vital for maintaining the health and safety of members of our communities. They are likely to be called upon in the event of a missing child or youth. It is important for first responders to be prepared by knowing which children in the community might wander, having family contact information, and having a plan to respond.⁶

Individuals with ASD are often attracted to water, yet have little to no sense of danger. Drowning is a leading cause of death in children with ASD. People with ASD may not be able to understand danger or respond to questions or verbal commands. Because many individuals with ASD go directly to water, it's important to treat each case as critical.⁷

Nearly half of children with ASD were reported to engage in elopement behavior, with a substantial number at risk for bodily harm. These results highlight the urgent need to develop interventions to reduce the risk of elopement, to support families coping with this issue, and to train childcare professionals, educators, and first responders who are often involved when elopements occur. Forty-nine percent of survey respondents reported their child with an ASD had attempted to elope at least once after age 4 years; 26% were missing long enough to cause concern. Of those who went missing, 24% were in danger of drowning and 65% were in danger of traffic injury.⁸

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.⁹

⁵ World Population Review, *Autism Rates by Country 2024*, available at <https://worldpopulationreview.com/country-rankings/autism-rates-by-country> (last visited March 18, 2025).

⁶ Centers for Disease Control and Prevention, *Wandering (Elopement)*, available at <https://www.cdc.gov/child-development/disability-safety/wandering.html> (last visited on March 18, 2025).

⁷ National Autism Association, *Autism and Wandering: A guide for First Responders*, available at <https://nationalautismassociation.org/autism-wandering-a-guide-for-first-responders/> (last visited March 18, 2025).

⁸ Connie Anderson, J. Kiely Law, Amy Daniels, Catherine Rice, David S. Mandell, Louis Hagopian, and Paul A. Law. *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*. *Pediatrics*, available at <https://publications.aap.org/pediatrics/article-abstract/130/5/870/32515/Occurrence-and-Family-Impact-of-Elopement-in?redirectedFrom=fulltext> (last visited March 18, 2025).

⁹ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited March 18, 2025).

Autism Training

In 2017, s. 943.1727, F.S., was created to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.¹⁰

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to ASD. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with ASD and responding to missing persons incidents involving people with ASD.¹¹

Alert Systems

Silver Alert

The Florida Silver Alert is used to locate missing persons traveling by vehicle who are suffering from an irreversible deterioration of intellectual faculties. Law enforcement agencies must determine that the use of dynamic message signs may be the only possible way to rescue the missing person in order to issue a Silver Alert. To qualify for a Silver Alert the person must:

- Be 60 years and older; or
- Be 18-59 and law enforcement has determined the missing person lacks the capacity to consent; and
- Have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.¹²

Purple Alert

In 2021,¹³ the Legislature created the Purple Alert to aid in the search for certain missing adults:¹⁴

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;

¹⁰ The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. Section 943.135, F.S.

¹¹ Florida Department of Law Enforcement, Online Mandatory Training, *Autism Spectrum Disorders (ASD) & Interviews*, available at <https://www.fdle.state.fl.us/Media/BPDtraining/AutismInterviews/story.html> (last visited March 18, 2025).

¹² Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited March 18, 2025).

¹³ Chapter 2021-93, Laws of Florida.

¹⁴ Section 937.0201(2), F.S., defines the term “missing adult” to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who do not meet the criteria for activation of a local or statewide Silver Alert.¹⁵

Florida's Purple Alert law requires the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.¹⁶

III. Effect of Proposed Changes:

The bill creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery and local law enforcement agencies to enhance the safety and well-being of children with ASD through immediate effective community response.

The bill also requires those agencies to develop a training program alert system for missing children with ASD which is compatible with existing alert systems for law enforcement officers and specifies that the training program must implement crisis intervention team training to:

- Equip law enforcement officers with the skills to understand ASD and other mental illnesses;
- Deescalate interactions with children in crisis;
- Facilitate appropriate interventions;
- Respond effectively to a reported missing child emergency the child has ASD; and
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD.

The listed agencies must also establish policies and procedures for responding to a reported missing child who has ASD which must provide:

- Immediate and widespread dissemination of critical information when a child with ASD is reported missing;

¹⁵ Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited March 18, 2025).

¹⁶ Section 937.0205(3), F.S.

- Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD; and
- Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

The listed agencies must require a law enforcement agency, at a minimum, to do the following when receiving such a report:

- Contact media outlets in the affected area or surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the reported missing child with ASD; and
- Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate workload impact on local law enforcement agencies. The FDLE will require programming changes that can be absorbed within existing resources.¹⁷ The DHSMV will incur costs associated with training and the establishment of measures to increase public awareness of autism related elopement.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 937.0401 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.

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

¹⁷ Florida Department of Law Enforcement, *2025 Bill Analysis SB 500 Spectrum Alert*, (on file with Senate Criminal Justice Committee).

¹⁸ Department of Highway Safety and Motor Vehicles, *2025 Bill Analysis SB 500 Spectrum Alert*, (on file with Senate Criminal Justice Committee).

By Senator Gruters

22-01386-25

2025984__

1 A bill to be entitled
2 An act relating to aggravating factors; amending s.
3 921.141, F.S.; providing an additional aggravating
4 factor for capital felonies; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Paragraph (q) is added to subsection (6) of
10 section 921.141, Florida Statutes, to read:

11 921.141 Sentence of death or life imprisonment for capital
12 felonies; further proceedings to determine sentence.—

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

15 (q) The victim of the capital felony was gathered with one
16 or more persons for school activities, religious activities, or
17 public government meetings.

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

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 984

INTRODUCER: Senator Gruters

SUBJECT: Aggravating Factors

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 984 amends s. 921.141, F.S., to create an additional aggravating factor for consideration during sentencing proceedings for capital felonies regarding whether the victim of the capital felony was gathered with one or more people for a school activity, religious activity, or a public government meeting.

The bill may have an indeterminate fiscal impact on prison beds within the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Current Sentencing Proceedings in Capital Cases

Most of the statutes governing the proceedings to determine a sentence of either death or life imprisonment without the possibility of parole¹ in capital cases are set forth in s. 921.141, F.S. The court conducts the sentencing proceeding upon conviction or adjudication of guilt of a defendant in a capital felony.² Typically, the proceeding is conducted by the trial judge before the trial jury as soon as practicable.³

Aggravating Factors and Mitigating Circumstances

During the sentencing proceeding, the jury (or the judge if the jury is waived by the defendant) considers evidence that is relevant to the nature of the crime and the character of the defendant.

¹ Section 775.082(1)(a), F.S.

² Section 921.141(1), F.S.

³ *Id.*

The evidence includes matters relating to any of the aggravating factors⁴ or mitigating circumstances.⁵

Aggravating factors are facts that tend to show a particular trait or status of the victim, a trait of the defendant, or facts related to the nature of the crime or the manner in which the defendant committed it.⁶

The aggravating factors are limited to the following:

- The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
- The defendant knowingly created a great risk of death to many persons.
- The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.
- The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- The capital felony was committed for pecuniary gain.
- The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- The capital felony was especially heinous, atrocious, or cruel.
- The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.
- The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.
- The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.
- The victim of the capital felony was a person less than 12 years of age.
- The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.
- The capital felony was committed by a criminal gang member.⁷

⁴ Section 921.141(6), F.S.

⁵ Section 921.141(7), F.S.

⁶ Section 921.141(6), F.S.

⁷ "Criminal gang member" means a person who meets two or more of the following criteria: Admits to criminal gang membership; Is identified as a criminal gang member by a parent or guardian; Is identified as a criminal gang member by a documented reliable informant; Adopts the style of dress of a criminal gang; Adopts the use of a hand sign identified as used by a criminal gang; Has a tattoo identified as used by a criminal gang; Associates with one or more known criminal gang members; Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information; Is identified as a criminal gang member by physical evidence; Has been observed in the company of one or more known criminal gang members four or more times; (Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members

- The capital felony was committed by a person designated as a sexual predator⁸ or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a person subject to a domestic violence injunction⁹, or an injunction for protection against repeat violence, dating violence and of sexual violence,¹⁰ or a foreign protection order,¹¹ and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Additionally, the following mitigating circumstances may be considered by the jury or the court as reasons this particular defendant may not be sentenced to death, in the opinion of the jury or the court.

Statutory mitigating circumstances are the following:

- The defendant has no significant history of prior criminal activity.
- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The victim was a participant in the defendant's conduct or consented to the act.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.
- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.
- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.¹²

Jury Findings and Recommended Sentence

The jury must return findings identifying each aggravating factor found to exist beyond a reasonable doubt. A finding that an aggravating factor exists must be unanimous.¹³ If the jury:

- Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.
- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
 - Whether sufficient aggravating factors exist.

who recruit and organize in jails, prisons, and other detention settings.) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang. Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of the statute. s. 874.03, F.S.

⁸ Section 775.21(4)(a), F.S.

⁹ Injunction for protection against domestic violence, s.741.30 F.S.

¹⁰ Injunction for protection against repeat violence, dating violence, and protection in cases of sexual violence, s.784.046, F.S.

¹¹ Section 741.315, F.S.

¹² Section 921.141(7)(a)-(h), F.S.

¹³ Section 921.141(2)(b), F.S.

- Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
- Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.¹⁴

If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of death¹⁵. If at least eight jurors do not determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.¹⁶

Imposition of Sentence

If the jury has recommended a sentence of:

- Life imprisonment without the possibility of parole, the court must impose the recommended sentence.¹⁷
- Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury.¹⁸

If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least one aggravating factor has been proven to exist beyond a reasonable doubt.¹⁹

III. Effect of Proposed Changes:

The bill amends s. 921.141, F.S., to create an additional aggravating factor for consideration during sentencing proceedings for capital felonies regarding whether the victim of the capital felony was gathered with one or more people for a school activity, religious activity, or a public government meeting.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

¹⁴ Section 921.141(2) and (b), F.S.

¹⁵ Section 921.141(2)(c), F.S.

¹⁶ Section 921.141(2)(c), F.S.

¹⁷ Section 921.141(3), F.S.

¹⁸ Section 921.141(3), F.S.

¹⁹ Section 921.141(3), F.S.

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 prison bed impact based on the new aggravating factor if additional defendants are convicted and sentenced to life imprisonment or imprisoned until the death sentence is carried out.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.141 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.

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

By Senator Garcia

36-01555-25

20251054__

A bill to be entitled

An act relating to tampering with an electronic monitoring device; amending s. 843.23, F.S.; reclassifying the offense of tampering with an electronic monitoring device to provide graduated penalties; requiring termination of pretrial release of a person who tampers with such a device while on pretrial release; providing an effective date.

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

Section 1. Section 843.23, Florida Statutes, is amended to read:

843.23 Tampering with an electronic monitoring device.—

(1) As used in this section, the term "electronic monitoring device" includes any device that is used to track the location of a person.

(2) It is unlawful for a person to intentionally and without authority:

(a) Remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court order or pursuant to an order by the Florida Commission on Offender Review; or

(b) Request, authorize, or solicit a person to remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device required to be worn or used pursuant to a court order or pursuant to an order by the Florida Commission on Offender Review.

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

36-01555-25

20251054__

(3) A person who violates this section commits a:

(a) Felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a misdemeanor.

(b) Felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a third degree felony.

(c) Felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a second degree felony.

(d) Felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a first degree felony or a first degree felony punishable by a term of years not exceeding life.

(e) Life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person is charged with or serving a sentence for a life or capital felony.

(4) A person on pretrial release who commits a violation of this section shall have his or her pretrial release terminated and shall no longer be eligible for pretrial release for the offenses for which he or she was on release.

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1054

INTRODUCER: Senator Garcia

SUBJECT: Tampering with an Electronic Monitoring Device

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1054 amends s. 843.23, F.S., to reclassify the penalties regarding tampering with an electronic device. If a person is charged with or serving a sentence for a:

- Misdemeanor,¹ tampering with an electronic device is a third degree felony.²
- Third degree felony, tampering with an electronic device is a second degree felony.³
- Second degree felony, tampering with an electronic device is a first degree felony.⁴
- First degree felony or a first degree felony punishable by a term of years not exceeding life, tampering with an electronic device is a first degree felony punishable by a term of years not exceeding life.
- Life or capital felony, tampering with an electronic device is a life felony.

If a person on pretrial release tampers with an electronic monitoring device, his or her pretrial release will be terminated, and will no longer be eligible for pretrial release for the offenses for which they were on release.

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

The bill takes effect on October 1, 2025.

¹ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding \$1000; a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500, as provided in ss. 775.082 and 775.083, F.S.

² 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.

³ A second degree felony is punishable by a term of imprisonment not exceeding fifteen years and a fine not exceeding \$5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

⁴ 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.

II. Present Situation:

Use of Electronic Monitoring in Florida's Criminal Justice System

There are several stages of the criminal justice system in which a court or another authorized entity may order a person to wear an electronic monitoring device. An electronic monitoring (EM) device is a tamper-resistant device worn on the body that monitors the location of a person at all times of the day. The monitoring agency is notified for various violations of the terms of supervision, such as if the person travels to a location he or she is not authorized to be or if the device is removed. Electronic monitoring systems can be either "passive" or "active" and are typically operated through radio frequency or global positioning system (GPS) monitoring.⁵ Some of the instances where a person may be placed on an EM include:

- A court order allowing the release from custody to a pretrial release program while the defendant awaits trial.⁶
- A judge placing an offender on probation⁷ or community control⁸ in lieu of or in addition to incarceration.⁹
- Supervision by the Florida Commission on Offender Review (FCOR).¹⁰

Electronic Monitoring

The Department of Corrections (DOC) must electronically monitor an offender sentenced to community control when the court has imposed such condition.¹¹ Any offender placed under supervision who violates the terms and conditions of supervision and is restored to supervision may be supervised by means of an electronic monitoring device or system if ordered by the court.¹²

Electronic monitoring is a condition of a court or commission order for probationers, community controllees, or conditional releasees who have current or prior convictions for violent or sexual offenses. A system that actively monitors and identifies the offender's locations and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations must be used.¹³

⁵ Office of Juvenile Justice and Delinquency Prevention, *Home Confinement and Electronic Monitoring*, October 2014, available at https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/home_confinement_em.pdf (last visited March 3, 2025).

⁶ Office of Program Policy Analysis & Gov't Accountability, *County Pretrial Release Programs: Calendar Year 2017*, Report No. 18-06, at 1, 2, and 8-9, November 2018, available at <https://oppaga.fl.gov/Documents/Reports/18-06.pdf> (last visited March 3, 2025); See also s. 907.041, F.S., which provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with an enumerated dangerous crime.

⁷ Section 948.001(8), F.S., Probation is a form of community supervision requiring specified contacts with probation officers and other conditions a court may impose. Standard conditions of probation are enumerated in s. 948.03, F.S., and are not required to be announced on the record, but the court must orally pronounce, as well as provide in writing, any special conditions of probation imposed.

⁸ Section 948.001(3), F.S., defines "community control" as a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Section 948.10(2), F.S., provides that caseloads must be no more than 30 cases per officer.

⁹ Sections 948.01 and 948.11, F.S.

¹⁰ Section 947.1405(7), (8), and (10), F.S.

¹¹ Section 948.11(1), F.S.

¹² Section 948.11(2), F.S.

¹³ Section 948.11(6), F.S.

Probation

The Office of Community Corrections currently supervises more than 145,000 offenders throughout Florida. These adult offenders are monitored and supervised by probation officers located in 130 probation offices. This includes offenders released from prison on parole, conditional release, or conditional medical release. It also includes offenders placed on court ordered supervision including regular probation, administrative probation, drug offender probation, sex offender probation, and community control.¹⁴

Tampering with an Electronic Monitoring Device

Section 843.23, F.S., provides it is a third-degree felony¹⁵ to tamper with an EM, which includes any device that is used to track the location of a person. It is unlawful for a person to intentionally and without authority:

- Remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court or order by the FCOR; or
- Request, authorize, or solicit a person to remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device.

Reclassification and Ranking

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.¹⁶ Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.¹⁷ The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony.

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.¹⁸

Section 775.087(1)(a-c), F.S., reclassifies the penalty in cases that a weapon or a firearm is an essential element during the commission of a felony by reclassifying the penalty to a higher degree.¹⁹

¹⁴ Florida Department of Corrections, *Probation Services*, available at <http://www.dc.state.fl.us/cc/index.html> (last visited March 3, 2025).

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

¹⁶ *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).

¹⁷ *Cf. Spicer v. State*, 615 So.2d 725, 726 (Fla. 2d DCA 1993) (reversing reclassification of robbery with a mask conviction because “[p]enal statutes must be construed in terms of their literal meaning [I]f the legislature had intended section 775.0845 [Florida Statutes (1989)] to reclassify offenses, it would have so stated”).

¹⁸ 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.

¹⁹ Section 775.087(1)(a-c), F.S.

III. Effect of Proposed Changes:

The bill amends s. 843.23, F.S., to reclassify the penalties regarding tampering with an electronic device. If a person is charged with or serving a sentence for a:

- Misdemeanor,²⁰ tampering with an electronic device is a third degree felony.²¹
- Third degree felony, tampering with an electronic device is a second degree felony.²²
- Second degree felony, tampering with an electronic device is a first degree felony.²³
- First degree felony or a first degree felony punishable by a term of years not exceeding life, tampering with an electronic device is a first degree felony punishable by a term of years not exceeding life.
- Life or capital felony, tampering with an electronic device is a life felony.

If a person on pretrial release tampers with an electronic monitoring device, his or her pretrial release will be terminated, and will no longer be eligible for pretrial release for the offenses for which they were on release.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

²⁰ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding \$1000; a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500, as provided in ss. 775.082 and 775.083, F.S.

²¹ 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.

²² A second degree felony is punishable by a term of imprisonment not exceeding fifteen years and a fine not exceeding \$5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

²³ 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.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

- Per the FDLE, in FY 23-24, there were 503 arrests for tampering with an electronic monitoring device, with 222 guilty/convicted and 45 adjudications withheld.
- Per the DOC, in FY 23-24, there were 12 new commitments to prison for tampering with an electronic monitoring device. It is not known what felony degree they were when tampering with the electronic monitoring device. Therefore, it cannot be determined how many of those incarcerated and those not incarcerated would be impacted by this language.
- Per the DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7 percent. The incarceration rate for a Level 4, 2nd degree felony was 29.5 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent, the incarceration rate for a 1st degree felony, punishable by a term of years not exceeding life was 75.4 percent, and the incarceration rate for a life felony was 87.5 percent.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 843.23 of the Florida Statutes.

²⁴ Office of Economic and Demographic Research, *SB 1054 – Tampering with Electronic Monitoring Devices*, (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator McClain

9-01474-25

20251072__

A bill to be entitled

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

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

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

943.328 Expedited DNA Testing Grant Program.—

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

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

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

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9-01474-25

20251072__

private laboratories.

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

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

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

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

(a) The amount of annual funding received.

(b) The number of cases tested.

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

(d) The result of the testing.

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

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

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

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1072

INTRODUCER: Senator McClain

SUBJECT: Expedited DNA Testing Grant Program

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

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

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

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

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

Grant awards to support the program are subject to appropriation. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

FBI’s Combined DNA Index System (CODIS)

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

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

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

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

ISO/IEC 17025:2017

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

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

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

¹ FindLaw, [How DNA Evidence Works](#) (last visited April 2, 2025).

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

³ *Id.*

⁴ FBI, [Frequently Asked Questions on CODIS and NDIS](#) (last visited April 2, 2025).

⁵ *Id.*

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

⁷ *Id.*

⁸ *Id.*

Federal Bureau of Investigation Quality Assurance Standards

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

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

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

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

Additionally, each laboratory must:

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

III. Effect of Proposed Changes:

The bill creates the Expedited DNA Testing Grant Program within the FDLE to award grants to law enforcement agencies for the processing of evidentiary items for DNA testing. FDLE must annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by private laboratories. The bill defines a “private lab”

⁹ *FBI, [Quality Assurance Standards for Forensic DNA Testing Laboratories](#)* (last visited April 2, 2025).

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

¹¹ *Id.*

¹² *Id.*

as any DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and FBI Quality Assurance Standards.

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

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

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

- Amount of annual funding received from the grant;
- Number of cases tested by the private laboratory;
- Type of DNA testing used, including the name of the private laboratory to which such testing was outsourced and the type of equipment used by the private laboratory for such testing;
- The results of the DNA testing; and
- Average amount of time it took to make each such identification.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

Grant awards to support the program are subject to appropriation; the bill does not appropriate funds for the grant program. FDLE is unable to predict workload and the personnel required to implement and manage the grant program.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Requirements for the outsourcing of DNA samples are contained in Standard 17 of the FBI Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories. For law enforcement agencies seeking to outsource offender and/or casework samples, the technical specifications of the outsourcing agreement must have the prior approval of the technical leader of the NDIS participating laboratory that will be entering that DNA data into CODIS. At a minimum, the outsourced laboratory must follow the FBI's Quality Assurance Standards and be accredited.¹⁴

Standard 17 of the Quality Assurance Standards also requires the completion of an on-site visit of the vendor laboratory prior to the beginning of the outsourced analyses and a technical review of the outsourced DNA records by the NDIS participating laboratory. Please refer to the FBI's Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories for additional information concerning the use of contract employees to perform the technical review of DNA records.¹⁵

VIII. Statutes Affected:

This bill creates section 943.328 of the Florida Statutes.

¹³ Florida Department of Law Enforcement, *2025 Bill Analysis SB 1072 Expedited DNA Testing Grant Program*.

¹⁴ Frequently Asked Questions on CODIS and NDIS, the Federal Bureau of Investigation; available at <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet#CODIS>; (last visited March 28, 2025).

¹⁵ *Id.*

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By the Committee on Criminal Justice; and Senator Martin

591-02564-25

20251084c1

A bill to be entitled

An act relating to sexual cyberharassment; amending s. 784.049, F.S.; providing and revising legislative findings and definitions; providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; providing criminal penalties for persons who commit the offense of sexual cyberharassment with a specified intent or purpose; providing enhanced criminal penalties for second or subsequent violations; authorizing an aggrieved person to initiate a civil action to recover punitive damages; making technical changes; amending s. 775.15, F.S.; providing time limitations for commencing prosecution for violations of sexual cyberharassment; providing an effective date.

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

Section 1. Present paragraphs (d), (e), and (f) of subsection (1) of section 784.049, Florida Statutes, are redesignated as paragraphs (e), (f), and (g), respectively, present subsections (4) through (7) are redesignated as subsections (5) through (8), respectively, a new paragraph (d) is added to subsection (1) and a new subsection (4) is added to that section, and paragraph (a) of subsection (1), subsections (2) and (3), and present subsection (5) of that section are amended, to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

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(a) A person depicted in a sexually explicit image taken with the person's consent retains ~~may retain~~ a reasonable expectation that the image will remain private despite sharing the image with another person, ~~such as an intimate partner~~.

(d) A person depicted in a digitally forged intimate image created by or with the consent of the depicted person retains a reasonable expectation of privacy despite sharing the image with another person.

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

(a) "Digitally forged intimate image" means an image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual as defined in s. 847.001; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

(b) "Image" includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(c) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to

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59 feeding.

60 (d)(b) "Personal identification information" means any
61 information that identifies an individual, and includes, but is
62 not limited to, any name, postal or electronic mail address,
63 telephone number, social security number, date of birth, or any
64 unique physical representation.

65 (e)(e) "Sexually cyberharass" means to publish to an
66 Internet website or disseminate through electronic means to
67 another person a sexually explicit image of a person that
68 contains or conveys the personal identification information of
69 the depicted person without the depicted person's consent,
70 contrary to the depicted person's reasonable expectation that
71 the image would remain private, for no legitimate purpose, with
72 the intent of causing substantial emotional distress to the
73 depicted person. Evidence that the depicted person sent a
74 sexually explicit image to another person does not, on its own,
75 remove his or her reasonable expectation of privacy for that
76 image. Absent affirmative consent to disseminate, the depicted
77 person retains his or her reasonable expectation of privacy.

78 (f)(d) "Sexually explicit image" means a digitally forged
79 intimate image or an any image depicting nudity, as defined in
80 s. 847.001, or depicting a person engaging in sexual conduct, as
81 defined in s. 847.001.

82 (3) (a) Except as provided in paragraph (b), a person who
83 willfully and maliciously sexually cyberharasses another person
84 commits a misdemeanor of the first degree, punishable as
85 provided in s. 775.082 or s. 775.083.

86 (b) Upon a second or subsequent a person who has one prior
87 conviction for a violation of paragraph (a), a person sexual

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88 ~~cyberharassment and who commits a second or subsequent sexual~~
89 ~~cyberharassment~~ commits a felony of the third degree, punishable
90 as provided in s. 775.082, s. 775.083, or s. 775.084.

91 (4) (a) Except as provided in paragraph (b), a person who
92 violates paragraph (3) (a) with the intent to cause physical,
93 mental, economic, or reputational harm to an individual
94 portrayed in the image, or for the purpose of profit or
95 pecuniary gain, commits a felony of the third degree, punishable
96 as provided in s. 775.082, s. 775.083, or s. 775.084.

97 (b) Upon a second or subsequent conviction for a violation
98 of paragraph (a), a person commits a felony of the second
99 degree, punishable as provided in s. 775.082, or s. 775.083, or
100 s. 775.084.

101 (6)(5) An aggrieved person may initiate a civil action
102 against a person who violates this section to obtain all
103 appropriate relief in order to prevent or remedy a violation of
104 this section, including all of the following:

105 (a) Injunctive relief.

106 (b) Monetary damages to include \$10,000 or actual damages
107 incurred as a result of a violation of this section, whichever
108 is greater.

109 (c) Punitive damages.

110 (d)(e) Reasonable attorney fees and costs.

111 Section 2. Subsection (22) is added to section 775.15,
112 Florida Statutes, to read:

113 775.15 Time limitations; general time limitations;
114 exceptions.—

115 (22) (a) A prosecution for a misdemeanor violation of s.
116 784.049 must be commenced within 5 years after the commission of

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117 the offense or within 3 years after the date on which the victim
118 obtains knowledge of the offense or should have obtained such
119 knowledge by the exercise of due diligence.

120 (b) A prosecution for a felony violation of s. 784.049 must
121 be commenced within 7 years after the commission of the offense
122 or within 3 years after the date on which the victim obtains
123 knowledge of the offense or should have obtained such knowledge
124 by the exercise of due diligence.

125 Section 3. This act shall take effect October 1, 2025.

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 1084

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Sexual Cyberharassment

DATE: April 9, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1084 amends s. 784.049, F.S., to include legislative findings, that a person depicted in a digitally forged intimate image created by or taken with the person’s consent retains a reasonable expectation that the image will remain private despite sharing the image with another person.

The bill provides in the definition of “sexually cyberharass,” that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it.* The definition of “sexually explicit image,” is expanded to include *a digitally forged intimate image.*

Generally, the crime of sexual cyberharassment is a first degree misdemeanor. Under the bill, a person who commits this offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony.

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony, and a second degree felony for a second or subsequent offense.¹

¹ A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

The bill provides punitive damages as a remedy for violation of this section.

The bill also provides definitions of the terms “digitally forged intimate image” and “nudity.”

In addition, the bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment in the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence; and,
- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

The bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections. See Section V. Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Nonconsensual Pornography

The term “revenge porn” is now common in popular usage. It commonly involves one person posting on the Internet sexual images of a former partner following a breakup. In more academic parlance, it is defined as “describing a subset of nonconsensual pornography published for vengeful purposes.”²

Couples may take pictures of each other in sexual situations, but that does not typically imply consent to traffic in such images outside of the relationship. “Nonconsensual pornography” may thus be defined generally as “distribution of sexually graphic images of individuals without their consent.”

“The phrase ‘nonconsensual pornography’ encompasses ‘images originally obtained without consent (e.g., hidden recordings or recordings of sexual assaults) as well as images originally obtained with consent, usually within the context of a private or confidential relationship.’³

Nonconsensual distribution of intimate images is when someone takes or shares an intimate Revenge porn isn't limited to romantic partners. A co-worker, family member, or stranger could also gain access to your private images and share them publicly for a variety of reasons. Forty-six states and the District of Columbia have laws against revenge porn.⁴

² *State v. VanBuren*, 2018 VT 95, 2019 WL 2406957 (VT 2019).

³ *Id.*

⁴ Webmd, *What is Revenge Pornography?*, Medically Reviewed by Jennifer Robinson, MD on November 4, 2024, available at <https://www.webmd.com/sex-relationships/revenge-porn> (last visited March 10, 2025).

In *State v. VanBuren*, 2018 VT 95, The Vermont court strongly emphasized the extreme harm that revenge porn may cause:

The harm to the victims of nonconsensual pornography can be substantial. Images and videos can be directly disseminated to the victim's friends, family, and employers; posted and “tagged” (as in this case) so they are particularly visible to members of a victim's own community; and posted with identifying information such that they catapult to the top of the results of an online search of an individual's name. In the constellation of privacy interests, it is difficult to imagine something more private than images depicting an individual engaging in sexual conduct, or of a person's genitals, anus, or pubic area, that the person has not consented to sharing publicly. The personal consequences of such profound personal violation and humiliation generally include, at a minimum, extreme emotional distress.⁵

Deep Fakes

Deepfakes represent a subset of the general category of “synthetic media” or “synthetic content.” Many popular articles on the subject define synthetic media as any media which has been created or modified through the use of artificial intelligence/machine learning (AI/ML), especially if done in an automated fashion. Deepfakes continue to pose a threat for individuals and industries, including potential largescale impacts to nations, governments, businesses, and society, such as social media disinformation campaigns operated at scale by well-funded nation state actors. Experts from different disciplines whose research interests intersect at deepfakes tend to agree that the technology is rapidly advancing, and the high cost of producing top-quality deepfake content is declining. As a result, we expect an emerging threat landscape wherein the attacks will become easier and more successful, and the efforts to counter and mitigate these threats will need orchestration and collaboration by governments, industry, and society.⁶

Non-consensual pornography emerged as the catalyst for proliferating deepfake content and still represents a majority of AI-enabled synthetic content in the wild. In October 2020, researchers reported over 100,000 computer-generated fake nude images of women created without their consent or knowledge, according to Sensity AI, a firm that specializes in deepfake content and detection. Some of these nude images apparently depicted under-aged individuals as well. The

⁵ *State v. Vanburen*, 2018 VT 95 (VT 2019) (The Vermont Supreme Court held that the law prohibiting nonconsensual distribution of an intimate image was narrowly tailored enough to effectuate Vermont's compelling governmental interest in protecting individual privacy it would likely be upheld. The court indicated that its reasoning was based on the “U.S. Supreme Court's recognition of the relatively low constitutional significance of speech relating to purely private matters, evidence of potentially severe harm to individuals arising from nonconsensual publication of intimate depictions of them, and a litany of analogous restrictions on speech that are generally viewed as uncontroversial and fully consistent with the First Amendment.”).

⁶ Homeland Security, *Increasing Threat DeepFake Identities*, available at https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited March 10, 2025).

creators used an ecosystem of bots on the messaging platform Telegram to facilitate sharing, trading, and selling services associated with deepfake content.^{7,8}

Sexual Cyberharassment

Section 784.049, F.S., provides that “sexual cyberharass” means to publish to an internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person’s consent, contrary to the depicted person’s reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image. A person who willfully and maliciously sexually cyberharasses another person commits a first degree misdemeanor.⁹

A person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment commits a third degree felony.

A “Sexually explicit image” is any image depicting nudity,¹⁰ or depicting a person engaging in sexual conduct.^{11,12}

III. Effect of Proposed Changes:

The bill amends s. 784.049, F.S., to revise legislative findings, that a person depicted in a digitally forged intimate image created by or taken with the person’s consent retains a reasonable expectation that the image will remain private despite sharing the image with another person.

⁷ Siladitya Ray, Forbes, 20 Oct. 2020 | *Bot Generated Fake Nudes of Over 100,000 Women Without Their Knowledge, Says Report*, available at <https://www.forbes.com/sites/siladityaray/2020/10/20/bot-generated-fake-nudes-of-over-100000-women-without-their-knowledge-says-report/> (last visited March 13, 2025).

⁸ Karen Hao |MIT Technology Review| *Deepfake Porn is Ruining Women’s Lives. Now the Law My Finally Ban It*, available at <https://www.technologyreview.com/2021/02/12/1018222/deepfake-revenge-porn-coming-ban/> (last visited March 10, 2025).

⁹ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and \$1,000 fine, as provided in ss. 775.082 and 775.083.

¹⁰ “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not under any circumstance constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding. Section 847.001(11), F.S.

¹¹ “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”, Section 847.001(19), F.S.

¹² Section 784.049(2)(c), F.S.

Sexual Cyberharass

The bill provides in the definition of “sexually cyberharass,” that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it.*

The definition of “sexually explicit image,” is expanded to include *a digitally forged intimate image.*

Generally, the crime of sexual cyberharassment is a first degree misdemeanor. Under the bill, a person who commits this offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony.

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony, and a second degree felony for a second or subsequent offense.¹³

The bill provides punitive damages as a remedy for violation of this section.

The bill provides the definitions of the following terms:

- “Digitally forged intimate image” is any intimate image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.
- “Nudity” is the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully or opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

Statute of Limitations

The bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.

¹³ A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the DOC, in FY 23-24, there were 17 new commitments to prison for commercial sexual activity of a child under 18 years of age. Four of these commitments received life sentences, and three received sentences that would have them released within the five-year forecast window. However, it is not known how many of these offenders would fit the criteria described in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 784.049 section of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on March 18, 2025:

The committee substitute:

- Provides a definition for the term “Nudity” that is consistent with other sections of the Florida Statutes.
- Revises the definition of “Digitally forged intimate image” to be more consistent with language about altered or generated images in other statutes.
- Revises language to provide that “absent affirmative consent to disseminate, the depicted person maintains his or her reasonable expectation of privacy.”
- Revises language to provide that sexually explicit images include a digitally forged intimate image.
- Adds legislative intent language that a person who creates a digitally forged image of themselves, or the image is created with his or her consent, remains an expectation of privacy.
- Increases the time limitation for the prosecution of misdemeanor and felony violations of sexual cyberharassment.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Gruters

591-03129-25

20251140c1

A bill to be entitled

An act relating to a criminal offender substance abuse pilot program; creating s. 948.22, F.S.; creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; specifying that eligible participants shall be advised of the program before entering a plea; providing for design and implementation of the program; specifying how long a person may participate in the program; providing that participants are entitled to an attorney at any court hearing related to the program; providing requirements for the program; authorizing a court to terminate probation and participation in the program or place a person on administrative probation under specified circumstances related to the program; specifying personnel requirements; authorizing subgrants for personnel needs; specifying that program participation does not supersede ignition interlock requirements; requiring program evaluation by a specified date; requiring a report to certain officials by a specified date; providing for repeal of provisions; providing an appropriation; providing an effective date.

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

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

948.22 Substance Abuse Accountability Pilot Program.—

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

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

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

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

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

(a) Notwithstanding any other law, the sheriff shall manage

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

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59 the supervision of all participants during their participation
 60 in the program. Upon discharge from the program, the
 61 participants shall be managed in accordance with current law for
 62 any remaining term of supervision.

63 (b) Participants shall attend an in-person judicial hearing
 64 at which a judge shall explain to the participants all program
 65 conditions and sanctions for noncompliance. A participant's term
 66 of participation in the program shall be for the same length as
 67 the term of probation for which he or she was sentenced, except
 68 as provided in paragraph (k), but may not exceed the expiration
 69 of the program. Participants are entitled to an attorney at any
 70 court hearing related to the program. A court shall appoint a
 71 public defender for a participant who is eligible to be
 72 represented by a public defender under s. 27.51.

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

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

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88 (e) A missed test, failed test, or alert by a continuous
 89 monitoring device of a positive test result shall be probable
 90 cause that a participant has committed a violation of the
 91 program.

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

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

103 (h) A participant who is arrested and held in custody under
 104 this section whose alleged violation is not adjudicated within
 105 24 hours of his or her arrest must be released at the earliest
 106 possible opportunity. Release of a participant under this
 107 paragraph does not end the offender's participation in the
 108 program.

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

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

115 (k) Upon successful completion of half the term of
 116 participation, the court may place the person on administrative

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117 probation pursuant to s. 948.013 for the remainder of the term
 118 of supervision, or may terminate the person's probation and
 119 participation in the program.

120 (l) Upon five adjudicated violations of program conditions,
 121 a court may discharge the participant from the program and
 122 sentence the offender as authorized by law. Nothing in this
 123 paragraph shall preclude a court from modifying the conditions
 124 of a participant's supervision, including revocation of
 125 supervision, upon any other violation of supervision conditions.

126 (m) Participants shall pay all fees associated with
 127 participation in the program. However, a court may reduce or
 128 eliminate program fees for a participant who has been declared
 129 indigent.

130 (4) The program established under this section shall
 131 include a program coordinator, whose duties shall include
 132 identifying and hiring personnel to ensure efficient
 133 administration of the program. The sheriff of the participating
 134 county may make subgrants to any appropriate agency for hiring
 135 personnel under this subsection.

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

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

143 (7) A report on the pilot program, which must include the
 144 number of program participants, the number of program
 145 violations, and the number of successful program completions,

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146 shall be delivered to the Governor, the President of the Senate,
 147 and the Speaker of the House of Representatives by November 30,
 148 2028.

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

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

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



267094

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 65 - 91
and insert:
conditions and sanctions for noncompliance. Except as provided
in paragraph (k), a participant's term of participation in the
program shall be for the same length as the term of probation
for which he or she was sentenced, but may not exceed the
expiration of the program. Participants are entitled to an
attorney at any court hearing related to the program. A court



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11 shall appoint a public defender for a participant who is
12 eligible to be represented by a public defender under s. 27.51.

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

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

28 (e) A missed test, failed test, or alert by a continuous
29 monitoring device of a positive test result shall be probable
30 cause that a participant has committed a violation of the
31 program. However, the presence of a federally approved
32 medication lawfully prescribed to a participant for the
33 treatment of a substance use disorder shall not constitute a
34 failed test or positive test result for purposes of establishing
35 probable cause under this paragraph.

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 1140

INTRODUCER: Criminal Justice Committee and Senator Gruters

SUBJECT: Criminal Offender Substance Abuse Pilot Program

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</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>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1140 creates s. 948.22, F.S., to establish a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

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

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

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

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

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

The bill appropriates the nonrecurring sum of \$2.5 million from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

As of July 2024, 48 adult drug courts, 14 juvenile drug courts, 13 dependency drug courts, and four DUI courts are in operation in Florida. Florida's drug courts admitted 3,347 participants in 2023.¹

Conditions of Release

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

Section 907.041, F.S., provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release, unless such person is charged with a dangerous crime as defined in s. 907.041(5), F.S. or such person is an unauthorized alien charged with a forcible felony as defined in s. 907.041(6). A person charged with a dangerous crime shall be released on monetary conditions if such conditions are necessary to:⁴

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

¹ Florida Courts, Office of Problem-Solving Courts, *Drug Courts*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts/Drug-Courts> (last visited April 4, 2025).

² Section 903.047(1)(c)7., F.S.

³ Section 903.047(1)(c)8., F.S.

⁴ Section 907.041(3)(a), F.S.

Probation, Community Control, and Conditional Release

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

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

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

Alternative Sanctioning Program

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

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

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

- Waive participation in the program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court; or

⁵ Section 948.01, F.S. and Section 948.012

⁶ Section 948.03(1), F.S.

⁷ Section 948.001(3), F.S.

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

⁹ Section 948.06(9)(a), F.S.

¹⁰ Section 948.06(9)(g), F.S.

- Elect to participate in the program after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, and admit the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:
 - Be represented by legal counsel;
 - Require the state to prove his or her guilt before a neutral and detached hearing body;
 - Subpoena witnesses and present to a judge evidence in his or her defense;
 - Confront and cross-examine adverse witnesses; and,
 - Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.¹¹

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

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

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

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

¹¹ Section 948.06(9)(h), F.S.

¹² Section 948.06(9)(i), F.S.

¹³ Section 948.06(9)(j), F.S.

¹⁴ Section 948.06(9)(b), F.S.

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

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

Administrative Probation

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

- Kidnapping or false imprisonment under s. 787.01, F.S., or s. 787.02, F.S., where the victim is under age 13 and the defendant is not the victim's parent;
- Luring or enticing a child under s. 787.025, F.S.;
- Human trafficking under s. 787.06(3)(g), F.S.;
- Sexual battery under ch. 794, F.S.;
- Former s. 796.03, F.S.;
- Lewd or lascivious offenses against or in the presence of a person under 16 years of age, under s. 800.04, F.S.;
- Lewd or lascivious battery against an elderly or disabled person under s. 825.1025(2)(b), F.S.;
- Sexual performance by a child or child pornography under s. 827.071, F.S.;
- Obscenity under s. 847.0133, F.S.;
- Online solicitation of a minor, computer pornography, traveling to meet a minor, or prohibited computer usage under s. 847.0135, F.S.;
- Buying or selling minors under s. 847.0145, F.S.; or,
- Offenses related to sexual predator and sexual offender status under s. 775.21(4)(a)1.a. or b., F.S. or s. 943.0435(1)(h)1.a., F.S. committed on or after October 1, 2017.

Problem Solving Courts

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

¹⁵ Section 948.06(9)(e), F.S.

In 1989, Florida started the national problem-solving court movement by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed, using the drug court model, and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, child abuse neglect, and homelessness.¹⁶

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

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

Hillsborough County Adult Drug Recovery Court

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

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

Hillsborough County Drug Pretrial Intervention

The Adult Pretrial Intervention Court (DPTI) allows first and second time drug offenders the opportunity to avoid having a felony conviction on their record. After completing a background

¹⁶ Florida Courts, Office of Problem-Solving Courts, *Background*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited April 4, 2025).

¹⁷ Florida Courts, Office of Problem-Solving Courts, *Defining Elements*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited April 4, 2025).

¹⁸ Thirteenth Judicial Circuit, Hillsborough County, *About Problem Solving Courts*, available at: <https://www.fljud13.org/CourtPrograms/ProblemSolvingCourts/AboutProblemSolvingCourts.aspx> (last visited April 4, 2025).

¹⁹ *Id.* Adult Drug Court, FAQs

check, the defendant signs a contract in which he or she agrees to complete a drug treatment program and the State Attorney's Office agrees to drop the charges upon successful completion of that program.²⁰

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

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

III. Effect of Proposed Changes:

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

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

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

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

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

- The sheriff must manage the supervision of all participants during their participation in the program. Upon discharge, the participant must be managed in accordance with current law or for any remaining term of supervision.

²⁰ *Id.*

²¹ *Id.* Drug Pretrial Intervention, FAQs

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

https://www.fljud13.org/Portals/0/Forms/word_docs/ProblemSolvingCourts/JudgeRice/DPTIAGRMNTFINALPlusExhibitA_042921.docx?ver=2021-05-03-103429-923 (last visited April 4, 2025).

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

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

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

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

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

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

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates the nonrecurring sum of \$2.5 million from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. The funds may be used for expenses

relating to establishing and administering the program including program fees for indigent participants. The bill requires participants to pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 948.22 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Criminal Justice on April 1, 2025:

This committee substitute:

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

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Gaetz

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1 A bill to be entitled
 2 An act relating to sexual images; amending s. 827.071,
 3 F.S.; defining terms and revising definitions; making
 4 technical changes; amending s. 836.13, F.S.; defining
 5 terms; providing criminal penalties for persons who
 6 willfully and maliciously generate or possess an
 7 altered sexual depiction of an identifiable person
 8 without the consent of the identifiable person;
 9 providing exceptions; specifying what is not
 10 considered a defense to the offenses; authorizing an
 11 aggrieved person to initiate a civil action against
 12 persons who violate specified provisions; revising
 13 applicability; amending s. 921.0022, F.S.; ranking
 14 offenses created by the act on the offense severity
 15 ranking chart of the Criminal Punishment Code;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsections (1), (2), and (3) of section
 21 827.071, Florida Statutes, are amended, and subsections (4),
 22 (5), and (6) of that section are republished, to read:
 23 827.071 Sexual performance by a child; child pornography;
 24 penalties.-
 25 (1) As used in this section, the ~~term following definitions~~
 26 ~~shall apply~~:
 27 (a) "Anus" means the end of the gastrointestinal tract and
 28 the opening of the rectum to the outside of the body.
 29 (b) "Child" or "minor" means any person, whose identity is

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30 known or unknown, younger than 18 years of age.
 31 ~~(c)-(b)~~ "Child pornography" means:
 32 1. Any image depicting a minor engaged in sexual conduct;
 33 or
 34 2. Any image that has been created, altered, adapted, or
 35 modified by electronic, mechanical, or other means, to portray
 36 an identifiable minor engaged in sexual conduct.
 37 ~~(d)-(e)~~ "Deviate sexual intercourse" means sexual conduct
 38 between persons not married to each other consisting of contact
 39 between the penis and the anus, the mouth and the penis, or the
 40 mouth and the vulva.
 41 ~~(e)-(d)~~ "Female genitals" includes the labia minora, labia
 42 majora, clitoris, vulva, hymen, and vagina.
 43 ~~(f)-(e)~~ "Identifiable minor" means a person:
 44 1. Who was a minor at the time the image was created,
 45 altered, adapted, or modified, or whose image as a minor was
 46 used in the creating, altering, adapting, or modifying of the
 47 image; and
 48 2. Who is recognizable as an actual person by the person's
 49 face, likeness, or other distinguishing characteristic, such as
 50 a unique birthmark, or other recognizable feature.
 51
 52 The term may not be construed to require proof of the actual
 53 identity of the identifiable minor.
 54 ~~(g)-(f)~~ "Intentionally view" means to deliberately,
 55 purposefully, and voluntarily view. Proof of intentional viewing
 56 requires establishing more than a single image, motion picture,
 57 exhibition, show, image, data, computer depiction,
 58 representation, or other presentation over any period of time.

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59 (h) "Male genitals" includes the penis and the scrotum.
 60 ~~(i)-(g)~~ "Performance" means any play, motion picture,
 61 photograph, or dance or any other visual representation
 62 exhibited before an audience.
 63 ~~(j)-(h)~~ "Promote" means to procure, manufacture, issue,
 64 sell, give, provide, lend, mail, deliver, transfer, transmit,
 65 transmute, publish, distribute, circulate, disseminate,
 66 present, exhibit, send, post, share, or advertise or to offer or
 67 agree to do the same.
 68 ~~(k)-(i)~~ "Somasochistic abuse" means flagellation or
 69 torture by or upon a person, or the condition of being fettered,
 70 bound, or otherwise physically restrained, for the purpose of
 71 deriving sexual satisfaction from inflicting harm on another or
 72 receiving such harm oneself.
 73 ~~(l)-(j)~~ "Sexual battery" means oral, anal, or female genital
 74 penetration by, or union with, the sexual organ of another or
 75 the anal or female genital penetration of another by any other
 76 object. ~~The term, however, "sexual battery"~~ does not include an
 77 act done for a bona fide medical purpose.
 78 ~~(m)-(k)~~ "Sexual bestiality" means any sexual act between a
 79 person and an animal involving the sex organ of the one and the
 80 mouth, anus, or female genitals of the other.
 81 ~~(n)1-(l)~~ "Sexual conduct" means actual or simulated sexual
 82 intercourse, deviate sexual intercourse, sexual bestiality,
 83 masturbation, or somasochistic abuse; actual or simulated lewd
 84 exhibition of the genitals or anus; actual physical contact with
 85 a person's clothed or unclothed genitals, pubic area, buttocks,
 86 or, if such person is a female, breast, with the intent to
 87 arouse or gratify the sexual desire of either party; or any act

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88 or conduct which constitutes sexual battery or simulates that
 89 sexual battery is being or will be committed. A mother's
 90 breastfeeding of her baby does not under any circumstance
 91 constitute "sexual conduct." The term includes masturbation by a
 92 person in the presence of a child or ejaculation on any part of
 93 a child's body or clothing.
 94 2. As used in subparagraph 1., the term "actual or
 95 simulated lewd exhibition of the genitals or anus" may be
 96 evidenced by the overall content of an image, taking into
 97 account the age of the minor depicted and including, but not
 98 limited to, whether:
 99 a. The focal point of the image is on the minor's genitals
 100 or anus;
 101 b. The setting of the image is sexually suggestive or in a
 102 place or pose generally associated with sexual conduct;
 103 c. The minor is depicted in an unnatural pose, or in
 104 inappropriate attire, considering the age of the minor;
 105 d. The image suggests sexual coyness or a willingness to
 106 engage in sexual conduct; or
 107 e. The image is intended or designed to elicit a sexual
 108 response in the viewer.
 109 ~~(o)-(m)~~ "Sexual performance" means any performance or part
 110 thereof which includes sexual conduct by a child.
 111 ~~(p)-(n)~~ "Simulated" means the explicit depiction of conduct
 112 set forth in paragraph ~~(n)~~ ~~(l)~~ which creates the appearance of
 113 such conduct and which exhibits any uncovered portion of the
 114 breasts, genitals, or buttocks.
 115 (2) A person ~~commits~~ ~~is guilty of~~ the use of a child in a
 116 sexual performance if, knowing the character and content

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117 thereof, he or she employs, authorizes, or induces a child to
 118 engage in a sexual performance or, being a parent, legal
 119 guardian, or custodian of such child, consents to the
 120 participation by such child in a sexual performance. A person
 121 who violates this subsection commits a felony of the second
 122 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 123 775.084.

124 (3) A person commits ~~is guilty of~~ promoting a sexual
 125 performance by a child if ~~when~~, knowing the character and
 126 content thereof, he or she produces, directs, or promotes any
 127 performance which includes sexual conduct by a child. A person
 128 who violates this subsection commits a felony of the second
 129 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 130 775.084.

131 (4) It is unlawful for any person to possess with the
 132 intent to promote any photograph, motion picture, exhibition,
 133 show, representation, or other presentation which, in whole or
 134 in part, includes child pornography. The possession of three or
 135 more copies of such photograph, motion picture, representation,
 136 or presentation is prima facie evidence of an intent to promote.
 137 A person who violates this subsection commits a felony of the
 138 second degree, punishable as provided in s. 775.082, s. 775.083,
 139 or s. 775.084.

140 (5) (a) It is unlawful for any person to knowingly possess,
 141 control, or intentionally view a photograph, motion picture,
 142 exhibition, show, representation, image, data, computer
 143 depiction, or other presentation which, in whole or in part, he
 144 or she knows to include child pornography. The possession,
 145 control, or intentional viewing of each such photograph, motion

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146 picture, exhibition, show, image, data, computer depiction,
 147 representation, or presentation is a separate offense. If such
 148 photograph, motion picture, exhibition, show, representation,
 149 image, data, computer depiction, or other presentation includes
 150 child pornography depicting more than one child, then each such
 151 child in each such photograph, motion picture, exhibition, show,
 152 representation, image, data, computer depiction, or other
 153 presentation that is knowingly possessed, controlled, or
 154 intentionally viewed is a separate offense. A person who
 155 violates this paragraph commits a felony of the third degree,
 156 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

157 (b) Paragraph (a) does not apply to any material possessed,
 158 controlled, or intentionally viewed as part of a law enforcement
 159 investigation.

160 (6) Prosecution of a person for an offense under this
 161 section does not preclude prosecution of that person in this
 162 state for a violation of any other law of this state, including
 163 a law providing for greater penalties than prescribed in this
 164 section or any other crime punishing the sexual performance or
 165 the sexual exploitation of children.

166 Section 2. Section 836.13, Florida Statutes, is amended to
 167 read:

168 836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~;
 169 prohibited acts; penalties; applicability.—

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

171 (a) "Altered sexual depiction" means any visual depiction
 172 that, as a result of any type of digital, electronic,
 173 mechanical, or other modification, alteration, or adaptation,
 174 depicts a realistic version of an identifiable person:

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175 1. With the nude body parts of another person as the nude
 176 body parts of the identifiable person;

177 2. With computer-generated nude body parts as the nude body
 178 parts of the identifiable person; or

179 3. Engaging in sexual conduct as defined in s. 847.001 in
 180 which the identifiable person did not engage.

181 (b) "Generate" means to create, alter, adapt, or modify any
 182 image by electronic, mechanical, or other computer-generated
 183 means to portray an identifiable person or to offer or agree to
 184 do the same.

185 (c) ~~(b)~~ "Identifiable person" means a person who is
 186 recognizable as an actual person by the person's face, likeness,
 187 or other distinguishing characteristic, such as a unique
 188 birthmark, or other recognizable feature.

189 (d) ~~(e)~~ "Nude body parts" means the human male or female
 190 genitals, pubic area, or buttocks with less than fully opaque
 191 covering; or the female breast with less than a fully opaque
 192 covering of any portion thereof below the top of the nipple; or
 193 the depiction of covered male genitals in a discernibly turgid
 194 state. The term does not under any circumstances include a
 195 mother breastfeeding her baby.

196 (e) "Possess" means to knowingly or intentionally keep,
 197 control, maintain, store, or own, physically or electronically,
 198 any altered sexual depiction of an identifiable person without
 199 the consent of the identifiable person.

200 (f) ~~(d)~~ "Promote" means to issue, sell, give, provide, lend,
 201 mail, deliver, transfer, transmit, transmute, publish,
 202 distribute, circulate, disseminate, present, exhibit, send,
 203 post, share, or advertise or to offer or agree to do the same.

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204 (g) ~~(e)~~ "Visual depiction" includes, but is not limited to,
 205 a photograph, picture, image, motion picture, film, video, or
 206 other visual representation.

207 (2) A person who willfully and maliciously promotes any
 208 altered sexual depiction of an identifiable person, without the
 209 consent of the identifiable person, and who knows or reasonably
 210 should have known that such visual depiction was an altered
 211 sexual depiction, commits a felony of the third degree,
 212 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 213 An act done for a bona fide medical, literary, academic, or
 214 scientific purpose is not a violation of this subsection.

215 (3) A person who willfully and maliciously generates any
 216 altered sexual depiction of an identifiable person, without the
 217 consent of the identifiable person, and who knows or reasonably
 218 should have known that such visual depiction was an altered
 219 sexual depiction, commits a felony of the third degree,
 220 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 221 An act done for a bona fide medical, literary, academic, or
 222 scientific purpose is not a violation of this subsection.

223 (4) A person who willfully and maliciously possesses any
 224 altered sexual depiction of an identifiable person, without the
 225 consent of the identifiable person, and who knows or reasonably
 226 should have known that such visual depiction was an altered
 227 sexual depiction, commits a felony of the third degree,
 228 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 229 An act done for a bona fide medical, literary, academic, or
 230 scientific purpose is not a violation of this subsection.

231 (5) ~~(3)~~ Every act, thing, or transaction prohibited by this
 232 section constitutes a separate offense and is punishable as

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233 such.

234 ~~(6)(4)~~ The presence of a disclaimer within an altered

235 sexual depiction which notifies a viewer that the person or

236 persons depicted did not consent to or participate in the

237 generation, possession, creation or promotion of the material,

238 or that the person or persons depicted did not actually perform

239 the actions portrayed, is not a defense and does not relieve a

240 person of criminal liability under this section.

241 ~~(7)(5)~~ An aggrieved person may initiate a civil action

242 against a person who violates subsection (2) or subsection (3)

243 to obtain appropriate relief in order to prevent or remedy a

244 violation of subsection (2) or subsection (3), including all of

245 the following:

246 (a) Injunctive relief.

247 (b) Monetary damages to include \$10,000 or actual damages

248 incurred as a result of a violation of subsection (2) or

249 subsection (3), whichever is greater.

250 (c) Reasonable attorney fees and costs.

251 ~~(8)(6)~~ The criminal and civil penalties of this section do

252 not apply to:

253 (a) A provider of an interactive computer service as

254 defined in 47 U.S.C. s. 230(f), of an information service as

255 defined in 47 U.S.C. s. 153, or of a communications service as

256 defined in s. 202.11 which provides the transmission, storage,

257 or caching of electronic communications or messages of others;

258 another related telecommunications or commercial mobile radio

259 service; or content provided by another person;

260 (b) A law enforcement officer, as defined in s. 943.10, or

261 any local, state, federal, or military law enforcement agency

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262 ~~engaged in that promotes an altered sexual depiction in~~

263 ~~connection with~~ the performance of his or her duties as a law

264 enforcement officer or the duties of the law enforcement agency;

265 (c) A person reporting unlawful activity; or

266 (d) A person participating in a hearing, trial, or other

267 legal proceeding.

268 ~~(9)(7)~~ A violation of this section is committed within this

269 state if any conduct that is an element of the offense, or any

270 harm to the depicted person resulting from the offense, occurs

271 within this state.

272 ~~(10)(8)~~ Prosecution of a person for an offense under this

273 section does not preclude prosecution of that person in this

274 state for a violation of any other law of this state, including

275 a law providing for greater penalties than prescribed in this

276 section or any other crime related to child pornography or the

277 sexual performance or the sexual exploitation of children.

278 Section 3. Paragraph (c) of subsection (3) of section

279 921.0022, Florida Statutes, is amended to read:

280 921.0022 Criminal Punishment Code; offense severity ranking

281 chart.-

282 (3) OFFENSE SEVERITY RANKING CHART

283 (c) LEVEL 3

284

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

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286	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3) (b) - (d)		
287	316.193(2) (b)	3rd	Felony DUI, 3rd conviction.
288	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
289	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
290	319.33(1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
291	319.33(1) (c)	3rd	Procure or pass title on stolen vehicle.
292	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a

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			blank, forged, or unlawfully obtained title or registration.
293	327.35(2) (b)	3rd	Felony BUI.
294	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
295	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
296	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
297	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine

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	591-02819-25		20251180c1	turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
298	379.2431 (1) (e) 6.	3rd		Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
299	379.2431 (1) (e) 7.	3rd		Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
300	400.9935 (4) (a) or (b)	3rd		Operating a clinic, or offering services requiring licensure, without a license.
301	400.9935 (4) (e)	3rd		Filing a false license application or other required information or failing to report information.
302				

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	440.1051 (3)	3rd		False report of workers' compensation fraud or retaliation for making such a report.
303	501.001 (2) (b)	2nd		Tampers with a consumer product or the container using materially false/misleading information.
304	624.401 (4) (a)	3rd		Transacting insurance without a certificate of authority.
305	624.401 (4) (b) 1.	3rd		Transacting insurance without a certificate of authority; premium collected less than \$20,000.
306	626.902 (1) (a) & (b)	3rd		Representing an unauthorized insurer.
307	697.08	3rd		Equity skimming.
308	790.15 (3)	3rd		Person directs another to discharge firearm from a vehicle.

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309	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
310	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
311	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
312	810.09(2) (b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
313	810.145(2) (c)	3rd	Digital voyeurism; 19 years of age or older.
314	812.014(2) (c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
315			

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	812.0145(2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
316	812.015(8) (b)	3rd	Retail theft with intent to sell; conspires with others.
317	812.081(2)	3rd	Theft of a trade secret.
318	815.04(4) (b)	2nd	Computer offense devised to defraud or obtain property.
319	817.034(4) (a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
320	817.233	3rd	Burning to defraud insurer.
321	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
322	817.234(11) (a)	3rd	Insurance fraud; property

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

	591-02819-25		20251180c1	value less than \$20,000.
323	817.236	3rd		Filing a false motor vehicle insurance application.
324	817.2361	3rd		Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
325	817.413(2)	3rd		Sale of used goods of \$1,000 or more as new.
326	817.49(2)(b)1.	3rd		Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
327	831.28(2)(a)	3rd		Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
328	831.29	2nd		Possession of instruments for counterfeiting driver

	591-02819-25		20251180c1	licenses or identification cards.
329	836.13(2)	3rd		<u>Promoting Person who</u> promotes an altered sexual depiction of an identifiable person without consent.
330	<u>836.13(3)</u>	<u>3rd</u>		<u>Generating an altered sexual depiction of an identifiable person without consent.</u>
331	<u>836.13(4)</u>	<u>3rd</u>		<u>Possessing an altered sexual depiction of an identifiable person without consent.</u>
332	838.021(3)(b)	3rd		Threatens unlawful harm to public servant.
333	847.01385	3rd		Harmful communication to a minor.
334	860.15(3)	3rd		Overcharging for repairs and parts.
335	870.01(2)	3rd		Riot.

	591-02819-25		20251180c1
336	870.01(4)	3rd	Inciting a riot.
337	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
338	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
339	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing

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

	591-02819-25		20251180c1
			facility.
340	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
341	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
342	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
343	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
344	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
345	893.13(7)(a)11.	3rd	Furnish false or fraudulent material

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information on any document or record required by chapter 893.

346

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

347

893.13(8)(a)2.

3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

348

893.13(8)(a)3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

349

893.13(8)(a)4.

3rd

Write a prescription for a controlled substance for a

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20251180c1

patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

350

918.13(1)

3rd

Tampering with or fabricating physical evidence.

351

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to correctional facility.

352

944.47(1)(c)

2nd

Possess contraband while upon the grounds of a correctional institution.

353

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

354

355

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



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LEGISLATIVE ACTION

Senate

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. .

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 800.045, Florida Statutes, is created to
read:

800.045 Lewd or lascivious images; penalties.-

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

(a) "Identifiable minor" means a person:

1. Who was younger than 16 years of age at the time the



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11 lewd or lascivious image was created, altered, adapted, or
12 modified, or whose image was used in the creating, altering,
13 adapting, or modifying of the lewd or lascivious image; and

14 2. Who is recognizable as an actual person by the person's
15 face, likeness, or any distinguishing characteristic, such as a
16 unique birthmark, or any recognizable feature.

17
18 The term may not be construed to require proof of the actual
19 identity of the identifiable minor.

20 (b) "Intentionally view" has the same meaning as in s.
21 827.071.

22 (c) "Lewd or lascivious image" means:

23 1. Any image depicting lewd or lascivious exhibition in
24 violation of s. 800.04(7); or

25 2. Any image that has been created, altered, adapted, or
26 modified by electronic, mechanical, or other means to portray
27 lewd or lascivious exhibition in violation of s. 800.04(7)
28 committed in the presence of an identifiable minor.

29 (d) "Promote" has the same meaning as in s. 827.071.

30 (2) It is unlawful for any person to possess with the
31 intent to promote any photograph, motion picture, exhibition,
32 show, representation, or other presentation which, in whole or
33 in part, includes a lewd or lascivious image. The possession of
34 three or more copies of such photograph, motion picture,
35 representation, or presentation is prima facie evidence of an
36 intent to promote. A person who violates this subsection commits
37 a felony of the second degree, punishable as provided in s.
38 775.082, s. 775.083, or s. 775.084.

39 (3) (a) It is unlawful for any person to knowingly solicit,



40 possess, control, or intentionally view a photograph, motion
41 picture, exhibition, show, representation, image, data, computer
42 depiction, or other presentation, in whole or in part, which he
43 or she knows to include a lewd or lascivious image. The
44 solicitation, possession, control, or intentional viewing of
45 each such photograph, motion picture, exhibition, show, image,
46 data, computer depiction, representation, or presentation is a
47 separate offense. If such photograph, motion picture,
48 exhibition, show, representation, image, data, computer
49 depiction, or other presentation includes a lewd or lascivious
50 image depicting more than one minor, each such minor in each
51 such photograph, motion picture, exhibition, show,
52 representation, image, data, computer depiction, or other
53 presentation who is knowingly solicited, possessed, controlled,
54 or intentionally viewed is a separate offense. A person who
55 violates this paragraph commits a felony of the third degree,
56 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

57 (b) Paragraph (a) does not apply to any material solicited,
58 possessed, controlled, or intentionally viewed as part of a law
59 enforcement investigation.

60 (4) Prosecution of a person for an offense under this
61 section does not preclude prosecution of that person in this
62 state for a violation of any other law of this state, including
63 a law providing for greater penalties than prescribed in this
64 section or any other crime punishing the sexual performance or
65 the sexual exploitation of children.

66 Section 2. Paragraph (1) of subsection (1) and subsection
67 (5) of section 827.071, Florida Statutes, are amended, and
68 subsection (6) of that section is republished, to read:



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69 827.071 Sexual performance by a child; child pornography;
70 penalties.—

71 (1) As used in this section, the following definitions
72 shall apply:

73 (1)1. "Sexual conduct" means actual or simulated sexual
74 intercourse, deviate sexual intercourse, sexual bestiality,
75 masturbation, or sadomasochistic abuse; actual or simulated lewd
76 exhibition of the genitals or anus; actual physical contact with
77 a person's clothed or unclothed genitals, pubic area, buttocks,
78 or, if such person is a female, breast, with the intent to
79 arouse or gratify the sexual desire of either party; or any act
80 or conduct which constitutes sexual battery or simulates that
81 sexual battery is being or will be committed. A mother's
82 breastfeeding of her baby does not under any circumstance
83 constitute "sexual conduct."

84 2. As used in subparagraph 1., "actual or simulated lewd
85 exhibition of the genitals" may be evidenced by the overall
86 content of an image, taking into account the age of the minor
87 depicted and, including, but not limited to, whether:

88 a. The focal point of the image is on the minor's genitals;

89 b. The setting of the image is sexually suggestive or in a
90 place or pose generally associated with sexual conduct;

91 c. The minor is depicted in an unnatural pose, or in
92 inappropriate attire, considering the age of the minor;

93 d. The image suggests sexual coyness or a willingness to
94 engage in sexual conduct; or

95 e. The image is intended or designed to elicit a sexual
96 response in the viewer.

97 (5) (a) It is unlawful for any person to knowingly solicit,



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98 possess, control, or intentionally view a photograph, motion
99 picture, exhibition, show, representation, image, data, computer
100 depiction, or other presentation which, in whole or in part, he
101 or she knows to include child pornography. The solicitation,
102 possession, control, or intentional viewing of each such
103 photograph, motion picture, exhibition, show, image, data,
104 computer depiction, representation, or presentation is a
105 separate offense. If such photograph, motion picture,
106 exhibition, show, representation, image, data, computer
107 depiction, or other presentation includes child pornography
108 depicting more than one child, then each such child in each such
109 photograph, motion picture, exhibition, show, representation,
110 image, data, computer depiction, or other presentation that is
111 knowingly solicited, possessed, controlled, or intentionally
112 viewed is a separate offense. A person who violates this
113 paragraph commits a felony of the third degree, punishable as
114 provided in s. 775.082, s. 775.083, or s. 775.084.

115 (b) Paragraph (a) does not apply to any material solicited,
116 possessed, controlled, or intentionally viewed as part of a law
117 enforcement investigation.

118 (6) Prosecution of a person for an offense under this
119 section does not preclude prosecution of that person in this
120 state for a violation of any other law of this state, including
121 a law providing for greater penalties than prescribed in this
122 section or any other crime punishing the sexual performance or
123 the sexual exploitation of children.

124 Section 3. Section 827.073, Florida Statutes, is created to
125 read:

126 827.073 Altered sexual depiction of a minor; prohibited



127 acts; penalties; applicability.-

128 (1) As used in this section, the terms:

129 (a) "Altered sexual depiction," "generate," and "visual
130 depiction" have the same meaning as in s. 836.13.

131 (b) "Identifiable minor," "intentionally view," and
132 "promote" have the same meaning as in s. 827.071.

133 (c) "Possess" means to knowingly or intentionally keep,
134 control, maintain, store, or own, physically or electronically,
135 any altered sexual depiction of an identifiable person, without
136 the consent of the identifiable person.

137 (2) (a) It is unlawful for a person to knowingly possess,
138 control, or intentionally view a visual depiction that, in whole
139 or in part, he or she knows includes an altered sexual depiction
140 of an identifiable minor. The possession or control of three or
141 more copies of such visual depiction is prima facie evidence of
142 an intent to promote. The possession, control, or intentional
143 viewing of each visual depiction is a separate offense. A person
144 who violates this paragraph commits a felony of the third
145 degree, punishable as provided in s. 775.082, s. 775.083, or s.
146 775.084.

147 (b) A person who intentionally generates an altered sexual
148 depiction of a minor commits a felony of the third degree,
149 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

150 (c) A person who solicits an altered sexual depiction of a
151 minor, without the consent of the identifiable minor, and who
152 knows or reasonably should have known that such visual depiction
153 was an altered sexual depiction commits a felony of the third
154 degree, punishable as provided in s. 775.082, s. 775.083, or s.
155 775.084.



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156 (d) A person who willfully and intentionally promotes an
157 altered sexual depiction of an identifiable minor, without the
158 consent of the identifiable minor, and who knows or reasonably
159 should have known that such visual depiction was an altered
160 sexual depiction commits a felony of the second degree,
161 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

162 (3) An aggrieved person may initiate a civil action against
163 a person who violates subsection (2) to obtain appropriate
164 relief in order to prevent or remedy a violation of subsection
165 (2), including all of the following:

166 (a) Injunctive relief.

167 (b) Monetary damages to include \$10,000 or actual damages
168 incurred as a result of a violation of subsection (2), whichever
169 is greater.

170 (c) Reasonable attorney fees and costs.

171 (4) The criminal and civil penalties of this section do not
172 apply to:

173 (a) A provider of an interactive computer service as
174 defined in 47 U.S.C. s. 230(f), of an information service as
175 defined in 47 U.S.C. s. 153, or of a communications service as
176 defined in s. 202.11 which provides the transmission, storage,
177 or caching of electronic communications or messages of others;
178 another related telecommunications or commercial mobile radio
179 service; or content provided by another person;

180 (b) A law enforcement officer as defined in s. 943.10, or
181 any local, state, federal, or military law enforcement agency
182 engaged in the performance of his or her duties as a law
183 enforcement officer or the duties of the law enforcement agency;

184 (c) A person reporting unlawful activity;



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185 (d) A person participating in a hearing, trial, or other
186 legal proceeding; or

187 (e) An identifiable person portrayed in an altered sexual
188 depiction who receives an altered sexual depiction of himself or
189 herself.

190 (5) A violation of this section is committed within this
191 state if any conduct that is an element of the offense, or any
192 harm to the depicted person resulting from the offense, occurs
193 within this state.

194 (6) Prosecution of a person for an offense under this
195 section does not preclude prosecution of that person in this
196 state for a violation of any other law of this state, including
197 a law providing for greater penalties than prescribed in this
198 section or any other crime related to child pornography or the
199 sexual performance or the sexual exploitation of children.

200 (7) Any offense under subsection (2) does not include an
201 act done for a bona fide medical, literary, academic, or
202 scientific purpose.

203 Section 4. Section 836.13, Florida Statutes, is amended to
204 read:

205 836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~;
206 prohibited acts; penalties; applicability.-

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

208 (a) "Altered sexual depiction" means any visual depiction
209 that, as a result of any type of digital, electronic,
210 mechanical, or other modification, alteration, or adaptation,
211 depicts a realistic version of an identifiable person:

212 1. With the nude body parts of another person as the nude
213 body parts of the identifiable person;



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214 2. With computer-generated nude body parts as the nude body
215 parts of the identifiable person; or

216 3. Engaging in sexual conduct as defined in s. 847.001 in
217 which the identifiable person did not engage.

218 (b) "Generate" means to create, alter, adapt, or modify any
219 image by electronic, mechanical, or other computer-generated
220 means to portray an identifiable person or to offer or agree to
221 do the same.

222 (c)~~(b)~~ "Identifiable person" means a person who is
223 recognizable as an actual person by the person's face, likeness,
224 or other distinguishing characteristic, such as a unique
225 birthmark, or other recognizable feature.

226 (d)~~(e)~~ "Nude body parts" means the human male or female
227 genitals, pubic area, or buttocks with less than fully opaque
228 covering; or the female breast with less than a fully opaque
229 covering of any portion thereof below the top of the nipple; or
230 the depiction of covered male genitals in a discernibly turgid
231 state. The term does not under any circumstances include a
232 mother breastfeeding her baby.

233 (e)~~(d)~~ "Promote" means to issue, sell, give, provide, lend,
234 mail, deliver, transfer, transmit, transmute, publish,
235 distribute, circulate, disseminate, present, exhibit, send,
236 post, share, or advertise or to offer or agree to do the same.

237 (f)~~(e)~~ "Visual depiction" includes, but is not limited to,
238 a photograph, picture, image, motion picture, film, video, or
239 other visual representation.

240 (2) A person who willfully and maliciously promotes, or
241 possesses with the intent to promote, any altered sexual
242 depiction of an identifiable person, without the consent of the



243 identifiable person, and who knows or reasonably should have
244 known that such visual depiction was an altered sexual
245 depiction, commits a felony of the third degree, punishable as
246 provided in s. 775.082, s. 775.083, or s. 775.084.

247 (3) A person who willfully generates an altered sexual
248 depiction of an identifiable person without the consent of the
249 identifiable person, and who knows or reasonably should have
250 known that such visual depiction was an altered sexual
251 depiction, commits a felony of the third degree, punishable as
252 provided in s. 775.082, s. 775.083, or s. 775.084.

253 (4) A person who solicits an altered sexual depiction of an
254 identifiable person without the consent of the identifiable
255 person, and who knows or reasonably should have known that such
256 visual depiction was an altered sexual depiction, commits a
257 felony of the third degree, punishable as provided in s.
258 775.082, s. 775.083, or s. 775.084.

259 (5) Every act, thing, or transaction prohibited by this
260 section constitutes a separate offense and is punishable as
261 such.

262 (6)~~(4)~~ The presence of a disclaimer within an altered
263 sexual depiction which notifies a viewer that the person or
264 persons depicted did not consent to or participate in the
265 generation ~~creation~~ or promotion of the material, or that the
266 person or persons depicted did not actually perform the actions
267 portrayed, is not a defense and does not relieve a person of
268 criminal liability under this section.

269 (7)~~(5)~~ An aggrieved person may initiate a civil action
270 against a person who violates subsection (2), subsection (3), or
271 subsection (4) to obtain appropriate relief in order to prevent



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272 or remedy a violation of subsection (2), subsection (3), or
273 subsection (4), including all of the following:

274 (a) Injunctive relief.

275 (b) Monetary damages to include \$10,000 or actual damages
276 incurred as a result of a violation of subsection (2),
277 subsection (3), or subsection (4), whichever is greater.

278 (c) Reasonable attorney fees and costs.

279 ~~(8)-(6)~~ The criminal and civil penalties of this section do
280 not apply to:

281 (a) A provider of an interactive computer service as
282 defined in 47 U.S.C. s. 230(f), of an information service as
283 defined in 47 U.S.C. s. 153, or of a communications service as
284 defined in s. 202.11 which provides the transmission, storage,
285 or caching of electronic communications or messages of others;
286 another related telecommunications or commercial mobile radio
287 service; or content provided by another person;

288 (b) A law enforcement officer, as defined in s. 943.10, or
289 any local, state, federal, or military law enforcement agency
290 engaged in that promotes an altered sexual depiction in
291 ~~connection with~~ the performance of his or her duties as a law
292 enforcement officer or the duties of the law enforcement agency;

293 (c) A person reporting unlawful activity; ~~or~~

294 (d) A person participating in a hearing, trial, or other
295 legal proceeding; or

296 (e) An identifiable person portrayed in an altered sexual
297 depiction who receives an altered sexual depiction of himself or
298 herself.

299 ~~(9)-(7)~~ A violation of this section is committed within this
300 state if any conduct that is an element of the offense, or any



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301 harm to the depicted person resulting from the offense, occurs
302 within this state.

303 (10)~~(8)~~ Prosecution of a person for an offense under this
304 section does not preclude prosecution of that person in this
305 state for a violation of any other law of this state, including
306 a law providing for greater penalties than prescribed in this
307 section or any other crime related to child pornography or the
308 sexual performance or the sexual exploitation of children.

309 (11) Any offense under subsection (2), subsection (3), or
310 subsection (4) does not include an act done for a bona fide
311 medical, literary, academic, or scientific purpose.

312 Section 5. Paragraphs (b), (c), and (d) of subsection (3)
313 of section 921.0022, Florida Statutes, are amended to read:

314 921.0022 Criminal Punishment Code; offense severity ranking
315 chart.—

316 (3) OFFENSE SEVERITY RANKING CHART

317 (b) LEVEL 2

318

Florida Statute	Felony Degree	Description
319 379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
320 379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs



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321			in violation of the Marine Turtle Protection Act.
321	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
322	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
323	590.28 (1)	3rd	Intentional burning of lands.
324	784.03 (3)	3rd	Battery during a riot or an aggravated riot.
325	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
326	787.04 (1)	3rd	In violation of court



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			order, take, entice, etc., minor beyond state limits.
327	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
328	806.13(3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
329	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
330	810.09(2)(d)	3rd	Trespassing on posted commercial horticulture property.
331	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
332	812.014(2)(d)1.	3rd	Grand theft, 3rd



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degree; \$40 or more but less than \$750, taken from dwelling or its unenclosed curtilage.

333

812.014 (2) (e) 2.

3rd

Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with one prior theft conviction.

334

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

335

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

336

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

337

817.52 (3)

3rd

Failure to redeliver



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338			hired vehicle.
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
339			
	817.60 (5)	3rd	Dealing in credit cards of another.
340			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
341			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
342			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
343			
	831.01	3rd	Forgery.
344			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration



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with intent to defraud.

345

831.07 3rd Forging bank bills,
checks, drafts, or
promissory notes.

346

831.08 3rd Possessing 10 or more
forged notes, bills,
checks, or drafts.

347

831.09 3rd Uttering forged notes,
bills, checks, drafts,
or promissory notes.

348

831.11 3rd Bringing into the state
forged bank bills,
checks, drafts, or
notes.

349

832.05 (3) (a) 3rd Cashing or depositing
item with intent to
defraud.

350

836.13 (4) 3rd Soliciting an altered
sexual depiction of an
identifiable person
without consent.

351

843.01 (2) 3rd Resist police canine or



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police horse with
violence; under certain
circumstances.

352

843.08 3rd False personation.

353

843.19(3) 3rd Touch or strike police,
fire, SAR canine or
police horse.

354

893.13(2)(a)2. 3rd Purchase of any s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4)
drugs other than
cannabis.

355

893.147(2) 3rd Manufacture or delivery
of drug paraphernalia.

356

357

358 (c) LEVEL 3

359

Florida Statute	Felony Degree	Description
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360

119.10(2)(b)	3rd	Unlawful use of
--------------	-----	-----------------



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confidential information
from police reports.

361

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

362

316.193 (2) (b)

3rd

Felony DUI, 3rd
conviction.

363

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement
officer in patrol vehicle
with siren and lights
activated.

364

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number
plate removed.

365

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile
home.

366

319.33 (1) (c)

3rd

Procure or pass title on
stolen vehicle.

367



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368	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
369	327.35(2)(b)	3rd	Felony BUI.
370	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
371	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
372	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,



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molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

373

379.2431
(1) (e) 6.

3rd

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of
any marine turtle species
described in the Marine
Turtle Protection Act.

374

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

375

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services
requiring licensure,
without a license.

376

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report



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information.

377

440.1051(3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

378

501.001(2)(b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

379

624.401(4)(a)

3rd

Transacting insurance without a certificate of authority.

380

624.401(4)(b)1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

381

626.902(1)(a) &
(b)

3rd

Representing an unauthorized insurer.

382

697.08

3rd

Equity skimming.

383

790.15(3)

3rd

Person directs another to



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discharge firearm from a
vehicle.

384

794.053

3rd

Lewd or lascivious written
solicitation of a person
16 or 17 years of age by a
person 24 years of age or
older.

385

806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

386

806.10 (2)

3rd

Interferes with or
assaults firefighter in
performance of duty.

387

810.09 (2) (b)

3rd

Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

388

810.145 (2) (c)

3rd

Digital voyeurism; 19
years of age or older.

389

812.014 (2) (c) 2.

3rd

Grand theft; \$5,000 or
more but less than



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\$10,000.

390

812.0145 (2) (c) 3rd Theft from person 65 years
of age or older; \$300 or
more but less than
\$10,000.

391

812.015 (8) (b) 3rd Retail theft with intent
to sell; conspires with
others.

392

812.081 (2) 3rd Theft of a trade secret.

393

815.04 (4) (b) 2nd Computer offense devised
to defraud or obtain
property.

394

817.034 (4) (a) 3. 3rd Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

395

817.233 3rd Burning to defraud
insurer.

396

817.234 3rd Unlawful solicitation of
(8) (b) & (c) persons involved in motor
vehicle accidents.



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397	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
398	817.236	3rd	Filing a false motor vehicle insurance application.
399	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
400	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
401	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
402	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
403			



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404	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
405	836.13 (2)	3rd	Person who promotes, <u>or possesses with intent to promote,</u> an altered sexual depiction of an identifiable person without consent.
406	<u>836.13 (3)</u>	<u>3rd</u>	<u>Person who generates an altered sexual depiction of an identifiable person without consent.</u>
407	<u>836.13 (4)</u>	<u>3rd</u>	<u>Person who solicits an altered sexual depiction of an identifiable person without consent.</u>
408	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
409	847.01385	3rd	Harmful communication to a minor.
	860.15 (3)	3rd	Overcharging for repairs



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and parts.

410

870.01 (2) 3rd Riot.

411

870.01 (4) 3rd Inciting a riot.

412

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).

413

893.13 (1) (d) 2. 2nd Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.

414

893.13 (1) (f) 2. 2nd Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8.,



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(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

415

893.13 (4) (c)

3rd

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

416

893.13 (6) (a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

417

893.13 (7) (a) 8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

418

893.13 (7) (a) 9.

3rd

Obtain or attempt to
obtain controlled
substance by fraud,
forgery,
misrepresentation, etc.

419

893.13 (7) (a) 10.

3rd

Affix false or forged
label to package of
controlled substance.



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420	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
421	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
422	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
423	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.



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424	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
425	918.13(1)	3rd	Tampering with or fabricating physical evidence.
426	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
427	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
428	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
429			
430			
431	(d) LEVEL 4		
432			



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	Florida Statute	Felony Degree	Description
433	104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
434	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
435	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
436	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription



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437			drugs.
	517.07 (1)	3rd	Failure to register securities.
438			
	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
439			
	784.031	3rd	Battery by strangulation.
440			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
441			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
442			
	784.075	3rd	Battery on detention or commitment facility staff.
443			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or



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444			materials.
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
445			
	784.081 (3)	3rd	Battery on specified official or employee.
446			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
447			
	784.083 (3)	3rd	Battery on code inspector.
448			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
449			
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
450			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal



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451	787.04 (3)	3rd	intent pending custody proceedings. Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
452	787.07	3rd	Human smuggling.
453	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
454	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
455	790.115 (2) (c)	3rd	Possessing firearm on school property.
456	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.



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457	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
458	806.135	2nd	Destroying or demolishing a memorial or historic property.
459	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
460	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
461	810.06	3rd	Burglary; possession of tools.
462	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
463	810.145 (3) (b)	3rd	Digital voyeurism



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dissemination.

464

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but
less than \$20,000.

465

812.014
(2) (c) 4. &
6.-10.

3rd

Grand theft, 3rd
degree; specified
items.

466

812.014 (2) (d) 2.

3rd

Grand theft, 3rd
degree; \$750 or more
taken from dwelling or
its unenclosed
curtilage.

467

812.014 (2) (e) 3.

3rd

Petit theft, 1st
degree; less than \$40
taken from dwelling or
its unenclosed
curtilage with two or
more prior theft
convictions.

468

812.0195 (2)

3rd

Dealing in stolen
property by use of the
Internet; property
stolen \$300 or more.

469



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470	817.505 (4) (a)	3rd	Patient brokering.
471	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
472	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
473	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
474	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
475	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	<u>827.073 (2) (a)</u>	<u>3rd</u>	<u>Possession, control, or intentionally viewing of an altered sexual</u>



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476	<u>827.073 (2) (b)</u>	<u>3rd</u>	<u>depiction of an identifiable minor.</u>
			<u>Generation of an altered sexual depiction of a minor.</u>
477	<u>827.073 (2) (c)</u>	<u>3rd</u>	<u>Solicitation of an altered sexual depiction of an identifiable minor.</u>
478	<u>827.073 (2) (d)</u>	<u>3rd</u>	<u>Promotion of an altered sexual depiction of an identifiable minor.</u>
479	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
480	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
481	836.14 (3)	3rd	Person who willfully



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482			possesses a sexually explicit image with certain knowledge, intent, and purpose.
	837.02 (1)	3rd	Perjury in official proceedings.
483			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
484			
	838.022	3rd	Official misconduct.
485			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
486			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
487			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
488			
	843.025	3rd	Deprive law enforcement,



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			correctional, or correctional probation officer of means of protection or communication.
489	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
490	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
491	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
492	870.01(3)	2nd	Aggravated rioting.
493	870.01(5)	2nd	Aggravated inciting a riot.
494	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.



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495	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
496	914.14 (2)	3rd	Witnesses accepting bribes.
497	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
498	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
499	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
500	918.12	3rd	Tampering with jurors.
501	934.215	3rd	Use of two-way communications device to facilitate



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commission of a crime.

502

944.47(1)(a)6.

3rd

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

503

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

3rd

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

504

505

506 Section 6. This act shall take effect October 1, 2025.

507

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

509 And the title is amended as follows:

510 Delete everything before the enacting clause

511 and insert:

512 A bill to be entitled

513 An act relating to sexual images; creating s. 800.045,



514 F.S.; defining terms; prohibiting a person from
515 possessing with the intent to promote specified
516 depictions that include a lewd or lascivious image;
517 providing criminal penalties; prohibiting a person
518 from knowingly soliciting, possessing, controlling, or
519 intentionally viewing a depiction that includes a lewd
520 or lascivious image; providing criminal penalties;
521 providing applicability; amending s. 827.071, F.S.;
522 revising the definition of the term "sexual conduct";
523 prohibiting a person from soliciting specified
524 depictions of child pornography; specifying that the
525 solicitation of each specified depiction or each child
526 depicted is a separate offense; providing criminal
527 penalties; revising applicability; creating s.
528 827.073, F.S.; defining terms; prohibiting a person
529 from knowingly possessing, controlling, or
530 intentionally viewing a visual depiction he or she
531 knows includes an altered sexual depiction of an
532 identifiable minor; providing for prima facie evidence
533 of intent to promote; providing criminal penalties;
534 providing criminal penalties for persons who
535 intentionally generate an altered sexual depiction of
536 a minor; providing criminal penalties for persons who
537 solicit an altered sexual depiction of a minor,
538 without consent of the identifiable minor, and who
539 know or reasonably should have known that such visual
540 depiction was an altered sexual depiction; providing
541 criminal penalties for persons who willfully and
542 intentionally promote an altered sexual depiction of



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543 an identifiable minor, without consent of the
544 identifiable minor, and who know or reasonably should
545 have known that such visual depiction was an altered
546 sexual depiction; providing for a civil cause of
547 action; providing for injunctive relief, damages, and
548 attorney fees and costs; providing applicability;
549 amending s. 836.13, F.S.; defining the term
550 "generate"; providing criminal penalties for persons
551 who possess with the intent to promote an altered
552 sexual depiction of an identifiable person without the
553 consent of the identifiable person; providing criminal
554 penalties for a persons who willfully generate or
555 solicit an altered sexual depiction of an identifiable
556 person, without the consent of the identifiable
557 person, and who know or reasonably should have known
558 that such visual depiction was an altered sexual
559 depiction; revising what is not considered a defense
560 to such offenses; providing for a civil cause of
561 action; providing for injunctive relief, damages, and
562 attorney fees and costs; revising and providing
563 applicability; amending s. 921.0022, F.S.; ranking
564 offenses created by and an offense revised by the act
565 for purposes of the severity ranking chart of the
566 Criminal Punishment Code; making a conforming change;
567 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 1180

INTRODUCER: Criminal Justice Committee and Senator Gaetz

SUBJECT: Sexual Images

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</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>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1180 provides guidance on proving actual or lewd exhibition and prohibits generation or possession of certain images.

The bill amends s. 827.071, F.S., to define the terms “anus” and “male genitals” and expand the definition of the term “sexual conduct” to include the actual or simulated lewd exhibition of the anus; masturbation by a person in the presence of a child or ejaculation on any part of a child’s body or clothing.

The bill provides that the term “actual or simulated lewd exhibition of the genitals or anus” may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor’s genitalia or anus;
- The setting of the image is sexually suggestive or in a place or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

The bill amends s. 836.13, F.S., to define the terms “generate” and “possess.”

A person who willfully and maliciously generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who willfully and maliciously possesses any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief;
- Monetary damages to include \$10,000 or actual damages incurred; and
- Reasonable attorney fees and costs.

The bill amends s. 921.0022, F.S., to rank the following offenses:

- Generating an altered sexual depiction of an identifiable person without consent as a Level 3 on the Offense Severity Ranking Chart (OSRC).
- Possessing an altered sexual depiction of an identifiable person without consent as a Level 3 on the OSRC.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Altered Sexual Depictions

Nonconsensual altered sexual depictions are distinguishable from consensual pornography as the person being depicted has not given his or her consent and did not actually engage in the sexual behavior he or she is depicted as doing. Such depictions may exploit the depicted person for other’s gratification and may cause emotional and reputational harm stemming from subsequent uses of the depiction and society’s response to the person depicted.¹

¹ Mathew B. Kugler and Carly Pace, *Deepfake Privacy: Attitudes and Regulation*, *Northwestern University Law Review*, 2021 Vol 116:611, p. 624-25, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1476&context=nulr> (last visited March 19, 2025).

Section 836.13, F.S., defines “Altered sexual depiction” to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:²

- With the nude body parts of another person as the nude body parts of the identifiable person;
- With computer-generated nude body parts as the nude body parts of the identifiable person; or
- Engaging in sexual conduct as defined in s. 847.001, F.S.,³ in which the identifiable person did not engage.

A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.⁴

The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.⁵

A person who is portrayed in such an altered sexual depiction without his or her consent may initiate a civil cause of action against a person who willfully and maliciously promoted such depiction and may obtain appropriate relief to prevent or remedy the promotion, including:

- Injunctive relief.
- Monetary damages to include \$10,000 or actual damages incurred.
- Reasonable attorney fees and costs.⁶

Child Pornography

The law prohibits any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute material that appears to depict minors engaged in sexually explicit conduct and is deemed obscene.⁷

Miller v. California established the test for determining obscenity, now known as the *Miller*⁸ test, which outlines three criteria for material to be considered obscene. The three-prong test requires the trier of fact to consider the following factors to determine if something is obscene:

² Section 836.13(1)(b), F.S., defines “Identifiable person” to mean a person who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

³ Section 847.001(19), F.S., defines “Sexual conduct” to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

⁴ A third degree felony is punishable by a term of imprisonment up to 5 years and a \$5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

⁵ Section 836.13(4), F.S.

⁶ Section 836.13(5), F.S.

⁷ 18 U.S.C.A. s. 1466A. (2003).

⁸ *Miller v. California*, 413 U.S. 15, 24 (1973).

- Whether “the average person, applying contemporary community standards” would find that the work, taken as a whole, appeals to the prurient interest;
- Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.⁹

The test for determining whether matter involving minors is obscene is a slightly lower threshold than the Miller test. Material involving minors can be considered obscene if:

- It depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse; and
- The image lacks serious literary, artistic, political, or scientific value.¹⁰

The Court tends to grant greater protections to minors, routinely upholding state statutes that penalize those who possess or disseminate obscene material relating to minors. In *New York v. Ferber*, the defendant was convicted for distributing material that depicted a sexual performance by a minor under the age of 16 in violation of a state law that prohibited persons from knowingly promoting material that depicted such a performance.¹¹ In *Ferber*, the Court held that the statute at issue did not violate the First Amendment, explaining that the states have a compelling interest, and thus are granted more leeway, in regulating pornographic depictions of children.¹² The Court reasoned that such material bears so heavily on the welfare of children engaged in its production that a balance of compelling interests are struck and, therefore, these materials are not afforded the protections of the First Amendment.¹³

Present law defines child pornography to mean:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.¹⁴

Sexual performance means, a person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this offense commits a second degree felony.^{15,16}

⁹ *Id.*

¹⁰ *Id.*

¹¹ *New York v. Ferber*, 458 U.S. 747 (1982).

¹² *Ferber*, 458 U.S. at 756.

¹³ *Id.* at 747-48.

¹⁴ Section 827.071(1)(b), F.S.

¹⁵ Section 827.071(2), F.S.

¹⁶ A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child.¹⁷ A person who violates this offense commits a second degree felony.

It is unlawful for any person to possess with the intent to promote¹⁸ any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this offense commits a second degree felony.

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

Courts have determined what criteria may be used in determining what is lewd exhibition of the genitals. In *State v. Hubbs*,¹⁹ the critical issue for the court to determine was whether the state proved the defendant knew photographs taken of a 14 year old girl included “actual lewd exhibition of the genitals” by a child and were “lewd” in nature. To prove an “actual lewd exhibition of the genitals” by a child, the State will be required to prove the defendant knew the photographs of the child were “lewd” in nature.²⁰ The Second District has specifically held that “the lewdness requirement may be satisfied by the intent of the person promoting the performance which included sexual conduct by the child.”²¹ The *Brabson* court also noted that lewdness may be evaluated based on the test in *United States v. Dost*. The court held that a trier of fact should consider the *Dost* factors in making a determination whether he exhibition of the child's genitals in the photographs was lewd in nature.²²

In *U.S. v. Dost*,²³ the court opined that a determination of whether there was lascivious exhibition should be made on a case-by-case basis using general principles as a guide for analysis.

The court held that a trier of fact should look at the following factors, among any others that may be relevant in a particular case, when determining whether a visual depiction of a minor constitutes lascivious exhibition of the genitals or pubic area:

- Whether the focal point of the visual depiction is on the child’s genitalia or pubic area;
- Whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;
- Whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;
- Whether the child is fully or partially clothed or nude;

¹⁷ Section 827.071(3), F.S.

¹⁸ Section 836.13(4), F.S., defines “Promote” to mean to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

¹⁹ *State v. Hubbs*, 377 So.3d 1162 (Fla. 4th DCA 2023).

²⁰ Section § 827.071(1)(h), (5)(a), Fla. Stat. (2019).

²¹ *State v. Brabson*, 7 So.3d 1119, 1122 (Fla. 2d DCA 2008).

²² *Hubbs*, at 1168.

²³ *U.S. v. Dost*, 636 F. Supp. 828 (S.D. California 1986).

- Whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;
- Whether the visual depiction is intended or designed to elicit a sexual response in the viewer.

The court asserted that a visual depiction need not involve all of the above-listed factors to constitute lascivious exhibition of the genitals or pubic area, but rather that, a determination should be made based on the overall content of the visual depiction, taking into account the age of the minor.²⁴

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code²⁵ are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{26,27}

A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.²⁸

III. Effect of Proposed Changes:

Section 1 amends s. 827.071, F.S., to define the terms:

- "Anus" to mean the end of the gastrointestinal tract and the opening of the rectum to the outside of the body.
- "Male genitals" to include the penis and the scrotum.
- "Sexual conduct" to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals or *anus*; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct." *The term includes masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.*

The bill provides that the term "actual or simulated lewd exhibition of the genitals or anus" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

²⁴ *Dost*, 636 F. Supp. At 832.

²⁵ All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.

²⁶ Section 921.0022, F.S.

²⁷ Section 921.0022(2), F.S.

²⁸ Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.

- The focal point of the image is on the minor’s genitals or anus;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

Section 2 amends s. 836.13, F.S., to define the terms:

- “Generate” to mean to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.
- “Possess” to mean to knowingly or intentionally keep control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person without the consent of the identifiable person.

A person who willfully and maliciously generates any altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who willfully and maliciously possesses any altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

The bill provides that an act done for a bona fide medical, literary, academic, or scientific purpose is not a violation of this offense.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief.
- Monetary damages to include \$10,000 or actual damages incurred.
- Reasonable attorney fees and costs.

Section 3 amends s. 921.0022, F.S., to rank the following offenses:

- Generating an altered sexual depiction of an identifiable person without consent is ranked a Level 3 on the OSRC.
- Possessing an altered sexual depiction of an identifiable person without consent is ranked a Level 3 on the OSRC.

The bill takes effect October 1, 2025.

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The First Amendment of the U.S. Constitution states that, “Congress shall make no law ... abridging the freedom of speech...” This language prohibits the government from having the ability to constrain the speech of citizens. However, materials that constitute child pornography, obscenity, or material harmful to minors may be restricted. Child pornography, obscenity, and material harmful to minors have been defined in ch. 847, F.S., and are consistent with federal law and the United States Supreme Court holdings regarding such laws. The bill makes the simple creation or possession of an altered sexual depiction a crime. This may be subject to challenges under the First Amendment.

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 provided a preliminary estimate that the bill may have a positive indeterminate prison bed impact on the Department of Corrections (DOC). According to EDR:

[The bill] adds two Level 3, 3rd degree felonies to the language. Currently, a Level 3, 3rd degree felony exists for “a person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.” The first of the new felonies involves “a person who willfully and maliciously generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.” The second of the new felonies involves “a person who willfully and maliciously possesses any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction. Exceptions are added for all three for “an act done for a bona fide medical, literary, academic, or scientific purpose.”

Per DOC, in FY 2023-24, there were 351 new commitments to prison for felony offenses committed under s. 827.071, F.S. However, it is not known how many additional offenders there would be under this new language.

Per DOC, since the current Level 3, 3rd degree felony under s. 836.16, F.S. went into effect on October 1, 2022, there have been no new commitments to prison. Per FDLE, in FY 23-24, since the current Level 3, 3rd degree felony under s. 836.16, F.S. went into effect on October 1, 2022, there have been 10 arrests, with one guilty/conviction charge. That one charge was sentenced to 30 days in jail. It is not known how many additional offenders there would be with the two new felonies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill could potentially criminalize a parent for possessing a nude photo of their child taken without a prurient intent or prurient curiosity.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 827.071, 836.13, and 921.0022.

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 March 25, 2025:

The committee substitute:

- Removes language expanding the definition of “child pornography.”

- Provides definitions for “anus,” “male genitals,” “generate,” and “possess.”
- Revises the term “sexual conduct” to include masturbation by a person in the presence of a child or ejaculation on any part of a child’s body or clothing.
- Provides criminal penalties for willfully and maliciously generating or possessing any altered sexual depiction with the consent of an identifiable person. Each violation is a separate offense that is a third degree felony, ranked a Level 3 in the OSRC.
- Provides an exception for medical, literary, academic or scientific purposes, for crimes related to Altered Sexual Depiction.

B. Amendments:

None.

By Senator Yarborough

4-01602-25

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A bill to be entitled

An act relating to the statewide pawn data database; creating s. 539.004, F.S.; providing definitions; requiring the Department of Law Enforcement to create a statewide database of transaction data electronically reported by specified businesses; providing requirements for the database; prohibiting certain data transfers by third-party vendors; providing restrictions on use; providing requirements for data storage; providing penalties for violations; authorizing rulemaking; providing an effective date.

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

Section 1. Section 539.004, Florida Statutes, is created to read:

539.004 Pawn data database; data usage; storage; violations.—

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

(a) "Department" means the Department of Law Enforcement.

(b) "Law enforcement data" means data electronically reported by second-hand dealers to law enforcement under chapter 538 and this chapter which is necessary for criminal investigations and public safety efforts.

(c) "Pawn data" means information related to the transactions of second-hand dealers and secondary metals recyclers, including pawn shops, which is required by chapter 538 and this chapter to be reported electronically to law enforcement officials. This includes, but is not limited to,

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

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descriptions of property, seller information, transaction dates, and any other data related to the exchange of goods.

(d) "Private vendor" means any third-party company or entity that provides services related to the intake, management, storage, or sharing of pawn data for law enforcement agencies.

(2) STATEWIDE PAWN DATA SHARING SYSTEM.—

(a) The department shall work with local and regional law enforcement agencies to establish a centralized, statewide system for the sharing of pawn transaction data no later than December 31, 2026. This system will allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real time to support criminal investigations and enhance public safety.

(b) All law enforcement agencies in this state shall have free, unrestricted access to the statewide pawn data sharing system for the purpose of conducting investigations. Agencies shall not be required to pay fees to access or share pawn data.

(c) The statewide pawn data sharing system shall ensure interoperability between different law enforcement databases, software solutions, and jurisdictions. The system must meet established data standards to facilitate seamless communication between agencies.

(3) DATA TRANSFER PROHIBITED.—

(a) Pawn data reported to law enforcement agencies remains the exclusive property of the respective law enforcement agencies and may not be transferred or sold to any third-party vendor for any purpose other than the direct use of the reporting law enforcement agency. Law enforcement agencies shall retain full access to all pawn data they report and may not be

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59 charged a fee or premium for accessing their own data.

60 (b) It is unlawful for a private vendor to sell, lease,
61 sublicense, or otherwise transfer pawn data for any commercial
62 purposes, including resale to other law enforcement agencies.

63 (4) DATA STORAGE.—Private vendors providing services
64 related to pawn data must ensure that all pawn data is stored,
65 managed, and transmitted in compliance with applicable privacy
66 and security laws and that it remains accessible to law
67 enforcement agencies without restrictions. Private vendors must
68 also ensure that data is shared freely between agencies to
69 support multi-jurisdictional investigations.

70 (5) PENALTIES FOR VENDOR VIOLATIONS.—Any private vendor
71 that sells, resells, or otherwise commodifies pawn data in
72 violation of this section is subject to civil penalties,
73 including fines of up to \$500,000 per violation.

74 (6) PENALTIES FOR LAW ENFORCEMENT AGENCIES.—Any law
75 enforcement agency that fails to share pawn data with other
76 agencies through the statewide system is subject to
77 administrative penalties and may face restrictions on its
78 ability to access other law enforcement databases, as determined
79 by the department.

80 (7) RULEMAKING.—The department may adopt rules to implement
81 this section.

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



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Statewide pawn data database feasibility study.-

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

(a) "Department" means the Department of Law Enforcement.

(b) "Pawn data" means information related to the
transactions of secondhand dealers and secondary metals
recyclers, including pawn shops, which is required by chapters



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11 538 and 539, Florida Statutes, to be reported electronically to
12 law enforcement officials. The term includes, but is not limited
13 to, descriptions of property, seller information, transaction
14 dates, and any other data related to the exchange of goods.

15 (2) The department shall conduct a feasibility study
16 regarding the creation of a statewide pawn data database which,
17 at a minimum, must:

18 (a) Allow law enforcement agencies in all counties in the
19 state to access, update, and share pawn data in real-time.

20 (b) Be provided free of charge to all law enforcement
21 agencies in the state.

22 (c) Be interoperable with different law enforcement
23 databases, software solutions, and jurisdictions and meet
24 established data standards to facilitate seamless communication
25 between law enforcement agencies.

26 (d) Ensure compliance with applicable privacy and security
27 laws.

28 (3) By January 1, 2026, the department shall report to the
29 President of the Senate and the Speaker of the House of
30 Representatives the results of the feasibility study.

31 (4) This section is repealed upon submission of the report
32 required under subsection (3).

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

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause
38 and insert:

39 A bill to be entitled



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40 An act relating to a feasibility study relating to
41 statewide pawn data database; defining terms;
42 requiring the Department of Law Enforcement to conduct
43 a feasibility study that creates a statewide pawn data
44 database; specifying requirements for such database;
45 requiring the department to report the results of the
46 study to the Legislature; providing for repeal;
47 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: SB 1252

INTRODUCER: Senator Yarborough

SUBJECT: Statewide Pawn Data Database

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1252 requires the Department of Law Enforcement (FDLE) and law enforcement agencies to create a centralized statewide system for sharing pawn data by December 31, 2026. Pawn data is defined by the bill to include information related to transactions of secondhand dealers and secondary metals recyclers under ch. 538, F.S., and pawn shops regulated under ch. 539, F.S.

All law enforcement agencies must have free, unrestricted access to the system for real-time sharing of pawn data to aid criminal investigations and public safety. The system must ensure interoperability among different databases and jurisdictions and meet established data standards.

Pawn data is the exclusive property of law enforcement and cannot be sold or transferred to third parties for commercial purposes. Private vendors must comply with privacy laws and ensure pawn data is accessible to law enforcement without restrictions.

Violations related to vendors selling, reselling, or commodifying pawn data are subject to civil penalties, with fines up to \$500,000. Law enforcement agencies that fail to share pawn data may face administrative penalties and restrictions on accessing other databases.

The bill provides \$250,000 in nonrecurring funds from the department's Operating Trust Fund for a feasibility study. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.¹

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.²

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.³ The term also includes gift certificates and credit memos⁴ that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.⁵

A secondhand dealer must annually register his or her business with the Department of Revenue (DOR).⁶

Secondhand Dealer Transaction Forms

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours after the acquisition of the secondhand goods.⁷ In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;

¹ See ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); see also Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

² Section 538.03(1)(h), F.S.

³ Section 538.03(1)(i), F.S.

⁴ Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

⁵ Section 538.03(1)(i), F.S.

⁶ See generally s. 538.09, F.S. (providing for registration).

⁷ Section 538.04(1), F.S.

- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name and address, and a physical description.⁸

If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit the required transaction records.⁹ Additionally, if a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all of the equipment necessary to electronically transmit transactions.¹⁰

Secondhand dealers must hold all secondhand goods for at least 15 days after acquiring the property. However, secondhand dealers are required to hold a precious metal,¹¹ gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,¹² for 30 days after they acquire the property.¹³ Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.¹⁴

Penalties

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on the goods.¹⁵ This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows for the possibility of the goods being returned to their rightful owner.

Law enforcement agencies having jurisdiction enforce compliance with registration, record keeping, holding periods, and inspection requirements.¹⁶ A person who knowingly violates the

⁸ *Id.*

⁹ Section 538.04(6), F.S.

¹⁰ *Id.*

¹¹ Section 538.03(1)(f), F.S., defines “precious metals” as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

¹² Section 686.501(1), F.S., defines “art” as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.

¹³ Section 538.06(1), F.S.

¹⁴ *Id.* An “automated kiosk” is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller’s identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

¹⁵ Section 538.06(3), F.S.

¹⁶ Section 538.05, F.S.

requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed \$10,000.¹⁷

Pawnbrokers

Pawnbrokers¹⁸ must apply for and obtain a license from the DACS annually.¹⁹ To be eligible for the license, each pawnshop must maintain a net worth of at least \$50,000 or file security in the form of a surety bond, letter of credit, or certificate of deposit of \$10,000 for each license.²⁰ DACS is authorized to impose penalties of up to \$5,000 for noncompliance with the law.²¹

Pawnbroker Transaction Forms

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.²² The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.²³

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.²⁴ On or before the end of each business day, the pawnbroker must deliver the original pawnbroker transaction forms for each of the transactions occurring during the previous business day to the appropriate law enforcement official.²⁵ Additionally, an electronic image that is accepted for a transaction, must be maintained electronically in order to meet the same recordkeeping requirements.²⁶

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use such software, the law enforcement agency may provide a computer to the pawnbroker. The law enforcement agency retains ownership of the computer unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.²⁷

¹⁷ Section 538.07(1), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

¹⁸ A “pawnbroker” is a person who is engaged in the business of making pawns; who makes a public display containing the term “pawn,” “pawnbroker,” or “pawnshop” or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A “pawn” is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.

¹⁹ Section 539.001(3), F.S.

²⁰ Section 539.001(4), F.S.

²¹ Fla. Admin. Code R. 5J-13.004 (2016).

²² Section 593.001(8)(a), F.S.

²³ *Id.*

²⁴ Section 593.001(9)(a), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 539.001(9)(b), F.S.

Penalties

A person who willfully makes a false entry on a transaction form or any other record required under chapter 539, F.S., commits a first degree misdemeanor.²⁸ Clerical or recordkeeping errors on a document or required record does not constitute a willful violation.

At the department's request, the FDLE must supply the department with any arrest and conviction records in its possession of an individual applying for or holding a license.²⁹

Any person who traffics in, or endeavors to traffic in, property that he or she knows or should know was stolen is guilty of a second degree felony.³⁰

III. Effect of Proposed Changes:

Section 1 creates s. 539.004, F.S., to require the FDLE and local and regional law enforcement agencies to create a centralized statewide system for sharing pawn data by December 31, 2026. This applies to second-hand dealers, secondary metals recyclers, and pawn shops. The system will allow all law enforcement agencies in the state to access, update, and share pawn data in real-time to support criminal investigations and enhance public safety.

All law enforcement agencies must have free, unrestricted access to the database and are not required to pay fees to access or share pawn data. The pawn data sharing system must ensure interoperability between different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between agencies.

The bill provides that pawn data reported to law enforcement agencies is the exclusive property of law enforcement agencies and may not be transferred or sold to any third-party vendor for any purpose other than the direct use of the reporting law enforcement agency. Law enforcement agencies must retain full access to all pawn data they report and are prohibited from charging a fee or premium for accessing their own data.

The bill prohibits a private vendor from selling, leasing, sublicensing, or otherwise transferring pawn data for any commercial purpose, including resale to other law enforcement agencies.

Private vendors providing services related to pawn data must ensure that all pawn data is stored, managed, and transmitted in compliance with applicable privacy and security laws and remain accessible to law enforcement agencies without restrictions. They must also ensure data is shared freely between agencies to support multi-jurisdictional investigations.

Any private vendor selling, reselling, or otherwise commodifying pawn data is subject to civil penalties, including fines of up to \$500,000 per violation.

²⁸ Section 539.001(17), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

²⁹ Section 539.001(19), F.S.

³⁰ Section 812.019(1), F.S. 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.

Any law enforcement agency that does not share pawn data with other agencies through the database is subject to administrative penalties and may face restrictions on its ability to access other law enforcement databases, as determined by the FDLE.

The FDLE is authorized to adopt rules.

The bill defines the following terms:

- Pawn data - information relating to the transactions of second-hand dealers and secondary metals recyclers, including pawn shops. This data is required to be reported electronically to law enforcement officials. It includes but is not limited to, property description, seller information, transaction dates, and any other data related to the exchange of goods.
- Private vendor – any third-party company or entity that provides services relating to the intake, management, storage, or sharing of pawn data for law enforcement agencies.
- Law enforcement data – data electronically reported by second-hand dealers to law enforcement under chapters 538 and 539, F.S., which is necessary for criminal investigations and public safety efforts.

Section 2 provides the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill prohibits a private vendor from selling, reselling, or monetizing pawn data. As such, private vendors who currently provide data collection interfaces and then charge agencies to access the data that has been collected may experience a loss of revenue.

C. Government Sector Impact:

The FDLE recommends conducting a “feasibility study to determine the technical requirements, provide a detailed scope of work, timeline, and a local cost to include startup and maintenance costs for the project. The study will also review the impact to local law enforcement. The estimated cost for a feasibility study is \$250,000.”³¹

The Fiscal Year 2025-2026 Senate General Appropriations Bill (SB 2500) appropriates \$250,000 in nonrecurring funds from FDLE’s Operating Trust Fund to competitively procure a contract for the completion of a feasibility study to examine the technical requirements, costs, and impact on law enforcement of a statewide pawn database. The funds are contingent upon this bill, SB 1252, or similar legislation, becoming a law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear if the bill requires the affected businesses to use the database.

Section 539.003, F.S., contains a public record exemption for records relating to pawnbroker transactions delivered to law enforcement. The bill uses the term “pawn data,” so it is unclear if the public records exemption would apply to the database.

The bill may immediately impact vendors who currently possess a substantial amount of pawn transaction data through existing contracts with local law enforcement agencies.

VIII. Statutes Affected:

This bill creates section 539.004 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.

³¹ Florida Department of Law Enforcement, *2025 Bill Analysis SB 1252 Statewide Pawn Data Database*.

B. Amendments:

None.

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

By Senator Simon

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A bill to be entitled

An act relating to the Department of Law Enforcement; repealing ss. 943.031 and 943.042, F.S., relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; amending s. 943.0311, F.S.; revising requirements for a report by the Chief of Domestic Security; amending ss. 943.041 and 943.17, F.S.; conforming provisions to changes made by the act; amending s. 943.0313, F.S.; revising the membership of the Domestic Security Oversight Council; revising reporting requirements; amending s. 943.60, F.S.; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; amending s. 943.69, F.S.; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department; amending ss. 914.25 and 914.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 943.031 and 943.042, Florida Statutes, are repealed.

Section 2. Subsection (4) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the

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department with respect to domestic security.—

(4) The chief shall report ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year~~ suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under subsection (6). Such suggestions must be submitted to the Domestic Security Oversight Council for inclusion in the report required under s. 943.0313(6). The chief may use ~~utilize~~ the assessments provided under subsection (6) in making his or her suggestions. The report must ~~shall~~ suggest strategies to maximize federal funds in support of building or facility security if such funds are available.

Section 3. Section 943.041, Florida Statutes, is amended to read:

943.041 Child Exploitation and Crimes Against Children Criminal Profiling Program.—There is created the Child Exploitation and Crimes Against Children Criminal Profiling Program within the department. The program shall perform investigative, intelligence, research, and training activities related to child exploitation and other crimes against children.

Section 4. Subsection (5) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced,

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59 and career development training programs and courses. The rules
60 shall include, but are not limited to, a methodology to assess
61 relevance of the subject matter to the job, student performance,
62 and instructor competency.

63 (5) ~~The commission, in consultation with the Florida~~
64 ~~Violent Crime and Drug Control Council,~~ shall establish
65 standards for basic and advanced training programs for law
66 enforcement officers in the subjects of investigating and
67 preventing violent crime. ~~After January 1, 1995,~~ Every basic
68 skills course required in order for law enforcement officers to
69 obtain initial certification must include training on violent
70 crime prevention and investigations.

71 Section 5. Paragraph (a) of subsection (1) and subsection
72 (6) of section 943.0313, Florida Statutes, are amended to read:
73 943.0313 Domestic Security Oversight Council.—The
74 Legislature finds that there exists a need to provide executive
75 direction and leadership with respect to terrorism and
76 immigration enforcement incident prevention, preparation,
77 protection, response, and recovery efforts by state and local
78 agencies in this state. In recognition of this need, the
79 Domestic Security Oversight Council is hereby created. The
80 council shall serve as an advisory council pursuant to s.
81 20.03(7) to provide guidance to the state's regional domestic
82 security task forces and other domestic security working groups
83 and to make recommendations to the Governor and the Legislature
84 regarding the expenditure of funds and allocation of resources
85 related to counter-terrorism and cooperating with and providing
86 assistance to the Federal Government in the enforcement of
87 federal immigration laws and domestic security efforts.

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88 (1) MEMBERSHIP.—

89 (a) The Domestic Security Oversight Council shall be
90 composed ~~consist~~ of the following voting members:

- 91 1. The executive director of the Department of Law
- 92 Enforcement.
- 93 2. The director of the Division of Emergency Management.
- 94 3. The Attorney General.
- 95 4. The Commissioner of Agriculture.
- 96 5. The State Surgeon General.
- 97 6. The Commissioner of Education.
- 98 7. The State Fire Marshal.
- 99 8. The adjutant general of the Florida National Guard.
- 100 9. The state chief information officer.
- 101 10. Each sheriff or chief of police who serves as a co-
- 102 chair of a regional domestic security task force pursuant to s.
- 103 943.0312(1)(b).
- 104 11. Each of the department's special agents in charge who
- 105 serve as a co-chair of a regional domestic security task force.
- 106 12. Two representatives of the Florida Fire Chiefs
- 107 Association.
- 108 13. One representative of the Florida Police Chiefs
- 109 Association.
- 110 14. One representative of the Florida Prosecuting Attorneys
- 111 Association.
- 112 15. One statewide domestic security intelligence
- 113 representative, selected by the chair of the Florida Fusion
- 114 Center Executive Advisory Board ~~The chair of the Statewide~~
- 115 ~~Domestic Security Intelligence Committee.~~
- 116 16. One representative of the Florida Hospital Association.

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117 17. One representative of the Emergency Medical Services
118 Advisory Council.

119 18. One representative of the Florida Emergency
120 Preparedness Association.

121 19. One representative of the Florida Seaport
122 Transportation and Economic Development Council.

123 (6) REPORTS.—The council shall report annually on its
124 activities, on or before December 31 of each calendar year, to
125 the Governor, the President of the Senate, the Speaker of the
126 House of Representatives, and the chairs of the committees
127 having principal jurisdiction over domestic security in the
128 Senate and the House of Representatives. The report must include
129 information submitted by the Chief of Domestic Security as
130 required under s. 943.0311(4).

131 Section 6. Section 943.60, Florida Statutes, is amended to
132 read:

133 943.60 Definitions.—For the purposes of ss. 943.60-943.68,
134 the term "Capitol Complex" means that portion of Tallahassee,
135 Leon County, Florida, commonly referred to as the Capitol, the
136 Historic Capitol, the Senate Office Building, the House Office
137 Building, the Knott Building, the Pepper Building, the Holland
138 Building, the Elliot Building, the R.A. Gray Building, and the
139 associated parking garages and curtilage of each, including the
140 state-owned lands and public streets adjacent thereto within an
141 area bounded by and including Calhoun Street, East Pensacola
142 Street, Monroe Street, Jefferson Street, West Pensacola Street,
143 Martin Luther King Jr. Boulevard, and Gaines Street. The term
144 includes the State Capital Circle Office Complex located in Leon
145 County, Florida. The term includes the Governor's mansion and

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146 the curtilage thereof, located in Leon County, Florida. The term
147 does not include the Supreme Court Building or the public
148 streets adjacent thereto. The portion of the Capitol Complex
149 existing between and including the Elliot Building and the
150 Holland Building within an area bounded by and including Monroe
151 Street, Gaines Street, Calhoun Street, and East Pensacola Street
152 shall be known as "Memorial Park."

153 Section 7. Paragraph (b) of subsection (5) of section
154 943.69, Florida Statutes, is amended to read:

155 943.69 Care for Retired Police Dogs Program.—

156 (5) FUNDING.—

157 (b) Annual disbursements to a former handler or an adopter
158 to reimburse him or her for the cost of the retired police dog's
159 veterinary care may not exceed \$5,000 ~~\$1,500~~ per dog. A former
160 handler or an adopter of a retired police dog may not accumulate
161 unused funds from a current year for use in a future year.

162 Section 8. Subsection (5) of section 914.25, Florida
163 Statutes, is amended to read:

164 914.25 Protective services for certain victims and
165 witnesses.—

166 (5) ~~The lead law enforcement agency that provides~~
167 ~~protective services, as authorized in this section, may seek~~
168 ~~reimbursement for its reasonable expenses from the Victim and~~
169 ~~Witness Protection Review Committee, pursuant to s. 943.031.~~

170 This section does not prevent any law enforcement agency from
171 providing protective services at the agency's expense beyond the
172 4-year maximum period established in this section. Any such
173 additional expenditures for protective services are not eligible
174 for the reimbursement provided in this section.

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175 Section 9. Subsections (1) and (4) of section 914.27,
 176 Florida Statutes, are amended to read:
 177 914.27 Confidentiality of victim and witness information.—
 178 (1) Information held by any state or local law enforcement
 179 agency, state attorney, the statewide prosecutor, ~~the Victim and~~
 180 ~~Witness Protection Review Committee created pursuant to s.~~
 181 ~~943.031~~, or the Department of Law Enforcement which discloses:
 182 (a) The identity or location of a victim or witness who has
 183 been identified or certified for protective or relocation
 184 services pursuant to s. 914.25;
 185 (b) The identity or location of an immediate family member
 186 of a victim or witness who has been identified or certified
 187 pursuant to s. 914.25;
 188 (c) Relocation sites, techniques, or procedures utilized or
 189 developed as a result of the victim and witness protective
 190 services afforded by s. 914.25; or
 191 (d) The identity or relocation site of any victim, witness,
 192 or immediate family member of a victim or witness who has made a
 193 relocation of permanent residence by reason of the victim's or
 194 witness's involvement in the investigation or prosecution giving
 195 rise to certification for protective or relocation services
 196 pursuant to s. 914.25;
 197
 198 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 199 and s. 24(a), Art. I of the State Constitution. Such information
 200 may be shared by law enforcement agencies, state attorneys, and
 201 the statewide prosecutor to facilitate the protective or
 202 relocation services provided pursuant to s. 914.25 and to
 203 support the prosecution efforts of the state attorneys and the

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204 statewide prosecutor. Any information so shared must remain
 205 confidential and exempt in the hands of any agency or entity to
 206 which the information is provided.
 207 (4) The certifying state attorney or statewide prosecutor
 208 may state in writing ~~to the Victim and Witness Protection Review~~
 209 ~~Committee established pursuant to s. 943.031~~ that even though
 210 certification for participation in the victim or witness
 211 protective services program is about to expire, disclosure of
 212 information made confidential and exempt by paragraph (1)(a) or
 213 paragraph (1)(b) continues to constitute an unwarranted risk to,
 214 or jeopardizes the safety of, victims, witnesses, or family
 215 members of such victims or witnesses. ~~Accordingly,~~ The
 216 confidential and exempt status of such information shall
 217 continue until the certifying state attorney or statewide
 218 prosecutor determines that disclosure of such information would
 219 not constitute an unwarranted risk to, or jeopardize the safety
 220 of, such persons, ~~and provides written notification to that~~
 221 ~~effect to the Victim and Witness Protection Review Committee.~~
 222 Section 10. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1268
INTRODUCER: Senator Simon
SUBJECT: Department of Law Enforcement
DATE: April 9, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1268 amends various sections within ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically, the bill amends:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.
- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Council's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

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

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida Department of Law Enforcement

Violent Crime Council

In 1993, the Florida Violent Crime Council (Ch. 93-204, LOF) was established to financially assist local law enforcement agencies in extraordinary violent crime cases. After Florida's crime trend slightly shifted from violent crime to drug crimes, the 2001 Legislature approved the expansion of the Council to include funding for drug investigations. Renamed the Violent Crime and Drug Control Council (VCDCC), the VCDCC was authorized to provide supplemental funding to local and state law enforcement agencies working violent crime, major drug and money laundering investigations, and victim/witness protection and relocation efforts. The Legislature supports the funding of the VCDCC on a year-to-year basis.¹

Pursuant to s. 943.031, F.S., the VCDCC is comprised of 14 members. The members advise the Florida Department of Law Enforcement (FDLE) Executive Director and make recommendations on the development and implementation of initiatives to combat violent crime, drug crime, and money laundering. Eight members of the VCDCC are standing members (or designee) include the:

- Chief Financial Officer
- Attorney General
- Education Commissioner
- Executive Office of the Governor Public Safety Policy Coordinator
- Department of Juvenile Justice Secretary
- Department of Corrections Secretary
- Florida Network of Victim/Witness Services President
- FDLE Commissioner²

The remaining six members are appointed by the Governor,³ three of which are vacant and the other three continue to serve beyond their term, which has expired. Members appointed by the Governor serve 2-year terms and the standing members serve as long as they hold office or employment that was the basis for their appointment to the VCDCC.⁴

¹ Florida Department of Law Enforcement, *Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2024_VCDCC_Annual_Report_FINAL.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2024_VCDCC_Annual_Report_FINAL.aspx) (Last visited April 4, 2025).

² Section 943.031(2)(a)-(i), F.S.

³ *Id.*

⁴ Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, <https://www.fdle.state.fl.us/VCDCC/Publications> (last visited April 4, 2025)

The FDLE coordinates the VCDCC, assists the council in the performance of its duties and administers funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. An annual report on the activities of the VCDCC is produced each year in December.⁵

The Florida Network of Victim/Witness Services, which is a standing member of the VCDCC, appears to be inactive based on common internet searches but has submitted annual reporting through the Department of State.⁶

The 2008 Legislature, in its Fiscal Year 2008-2009 budget, reduced trust fund authority for the VCDCC by \$2,500,000 and has not funded victim/witness protection reimbursement requests since September 2008.⁷

Victim/Witness Protection Review Committee

The Victim/Witness Protection Review Committee was created within the VCDCC. This committee is responsible for reviewing and approving or denying, in whole or in part, all requests for reimbursement of Victim/Witness Protection funding.⁸

The Council's six-member Victim and Witness Protection Review Committee held two closed conference meetings in February and June of 2022. The Committee approved three reimbursement funding requests for a total of \$13,600.⁹ No funds were awarded to agencies for victim/witness protection reimbursement in 2023.¹⁰

Violent Crime Investigative Emergency Account

In 1993, the Violent Crime Investigative Emergency Account was created (Ch. 93-204, LOF) as a mechanism to provide emergency supplemental funds to state and local law enforcement agencies which were involved in complex violent crime investigations. In 2001, the account was renamed to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account (Ch. 2001-127, LOF) to allow agencies to utilize the funding for complex drug investigations.

⁵ Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, <https://www.fdle.state.fl.us/VCDCC/Publications> (last visited April 7, 2025)

⁶ *Division of Corporations*, available at

<https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDANETWORKVICTIMWITNESSSER%207482660&aggregateId=domnp-748266-86d11613-e88d-4797-a432-587a87600c6c&searchTerm=florida%20network%20of%20victim%20&listNameOrder=FLORIDANETWORKVICTIMWITNESSSER%207482660> (last visited April 7, 2025)

⁷ Florida Department of Law Enforcement, *Agency Bill Analysis SB 1268 Department of Law Enforcement*.

⁸ Florida Department of Law Enforcement, *Victim/Witness Protection Program Application Information Package*, available at <https://www.fdle.state.fl.us/VCDCC/Forms/VictimWitnessProtectionApplication.aspx> (Last visited April 7, 2025).

⁹ Florida Department of Law Enforcement, *2022 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2022-VCDCC-Annual-Report.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2022-VCDCC-Annual-Report.aspx) (last visited April 7, 2025).

¹⁰ Florida Department of Law Enforcement, *2023 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2023_VCDCC_Annual_Report_Final.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2023_VCDCC_Annual_Report_Final.aspx) (Last visited April 9, 2025).

Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP performs investigative, intelligence, research, and training activities related to crimes against children.¹¹

As technology has advanced and the distribution of child sexual abuse material (CSAM) has become more prevalent, the focus has shifted to internet crimes against children. FDLE continues to work crimes against children cases, but not specifically employing profiling techniques for these cases. The priority is on cases involving actual sexual abuse of children and the repeated victimization they experience by the distribution of images and videos utilizing the internet. This involves the use of highly technical investigative tools to target the distributors and distribution networks of CSAM. In addition, FDLE leads a training conference focused on the technical tools for the investigations, best practice techniques, lessons learned from prior cases and intelligence sharing between various task forces focused on similar types of investigations.¹²

Crimes Against Children Criminal Profiling Trust Fund

In 1989, the Crimes Against Children Criminal Profiling Trust Fund was established within FDLE (Ch. 1989-3, L.O.F.). The monies placed in the trust fund consisted of an additional fee on birth certificates authorized under s. 382.025, F.S., and any other money appropriated by the Legislature or received from the federal government or any other public or private source. The trust fund was established to assist local law enforcement agencies with investigative, intelligence, research and training activities related to crimes against children. The trust fund was terminated on July 1, 1995, by legislative action (Ch. 94-265, LOF).¹³

Domestic Security Oversight Council

In 2005, s. 943.0313, F.S., codified the Domestic Security Oversight Council (DSOC). The legislation provided for its membership, governance and duties of the council. The voting members include the:

- Executive Director of the Department of Law Enforcement
- Director of the Division of Emergency Management
- Attorney General
- Commissioner of Agriculture
- State Surgeon General
- Commissioner of Education
- State Fire Marshal
- Adjutant General of the Florida National Guard
- State Chief Information Officer
- Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
- Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.

¹¹ Section 943.041, F.S.

¹² Florida Department of Law Enforcement, *Agency Bill Analysis SB1268* (Department of Law Enforcement)

¹³ *Id.*

- Two representatives of the Florida Fire Chiefs Association.
- One representative of the Florida Police Chiefs Association.
- One representative of the Florida Prosecuting Attorneys Association.
- The chair of the Statewide Domestic Security Intelligence Committee.
- One representative of the Florida Hospital Association.
- One representative of the Emergency Medical Services Advisory Council.
- One representative of the Florida Emergency Preparedness Association.
- One representative of the Florida Seaport Transportation and Economic Development Council.

The voting members must include the Chair of the Statewide Domestic Security Intelligence Committee. As the domestic security framework has evolved, this committee was abolished several years ago. This has caused a vacancy within the council that cannot be filled.¹⁴

The DSOC serves as an advisory council that in part reviews the development, maintenance and operation of a comprehensive domestic security strategy to guide the state's prevention, preparedness, protection, response and recovery efforts against terroristic attacks and immigration enforcement incidents and make appropriate recommendations. The DSOC is required to report annually on its activities on or before December 31 of each calendar year to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives.¹⁵

Pursuant to s. 943.0311, F.S., the duties of the Chief of Domestic Security include a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each calendar year which details suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under s. 943.0311(6), F.S. This report is separate from the report required under s. 943.0313(6), F.S.

Care for Retired Police Dogs Program

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. The program established and provides funding for reimbursement of veterinary care for retired police dogs. The program provides reimbursement up to \$1,500 annually, per dog, for veterinary care to any former handler or adopter of a retired police dog, that served 5 or more years as a police dog.¹⁶

Funds under this program may be used for the following veterinary expenses, provided the expenses are the result of care/treatment from a licensed Florida veterinarian, including:

- Annual wellness exams;
- Vaccinations;
- Internal and external parasite prevention treatments;
- Testing and treatment of illnesses and diseases;

¹⁴ *Id.*

¹⁵ Section 943.0313(6), F.S.

¹⁶ Section 943.69, F.S.

- Medications;
- Emergency care and surgeries;
- Veterinary oncology or other specialty care;
- Euthanasia; and,
- Cremation.¹⁷

Basic annual vet visits for cats and dogs cost between \$50 to \$250, and they increase up to \$8,000 for specialized treatment (wound treatment, bloat treatment, emergency surgery, etc.).¹⁸ Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.¹⁹ Law enforcement dogs cannot work forever and are faced with natural aging conditions and may have sustained injuries in the line of duty.²⁰ When it is time for a law enforcement dog to retire, the dog typically lives with their law enforcement officer partner. The veterinary expenses due to complications from law enforcement K-9's injuries, joint problems, or other job-related health problems may be too costly for the former handler to incur.

Capitol Complex

The term “Capitol Complex” is the portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages.²¹ The Capitol Police provide security for state officials, employees, and visitors to the Capitol Complex as specified in s. 943.61, F.S.

The FDLE provides security to the Governor, the Governor’s immediate family, the Governor’s office and Mansion including the grounds.²² Capitol Police also provide and maintain security to the Governor’s Mansion; however, it is not included in the current definition of “Capitol Complex” in s. 943.60, F.S.

III. Effect of Proposed Changes:

This bill amends various sections within ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically, the bill amends:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community

¹⁷ *Id.*

¹⁸ Dogster, *How Much Does a Vet Visit Cost? 2025 Pricing Update*, available at <https://www.dogster.com/dog-health-care/how-much-does-vet-visit-cost> (last visited April 7, 2025).

¹⁹ Florida Sheriff’s Association, *The Role of a K-9 Unit*, available at [The Role of a K-9 Unit - Florida Sheriffs Association](https://www.floridasheriffs.org/role-of-a-k-9-unit) (last visited April 7, 2025);

²⁰ For example, in September 2021, three different Law Enforcement K-9s acting in the line of duty were shot by suspects in Florida. *Officials: Florida K-9s shot by carjacking suspect*, September 11, 2021, AP News, available at <https://apnews.com/article/police-florida-carjacking-dogs-02ad82fce042d444f7d067151a3aeb30> (last visited April 7, 2025); *JSO K-9 recovering after being shot during Nassau County manhunt*, Carianne Luter, Social Media Producer, September 27, 2021, News4Jax, available at <https://www.news4jax.com/news/local/2021/09/27/jso-k-9-recovering-after-being-shot-during-nassau-county-manhunt/> (last visited April 7, 2025).

²¹ Section 943.60, F.S.

²² Section 943.68(1), F.S.

college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.

- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Council's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. FDLE was appropriated \$300,000 in recurring funds from the General Revenue Fund to implement and administer the program. A former handler or an adopter of a retired police dog who seeks reimbursement may not receive reimbursement if funds appropriated for the program are depleted in the year for which the reimbursement is sought.²³ Thus, increasing the maximum annual disbursement for veterinary care will not require additional funds.

FDLE advised the bill does not have a fiscal impact to state government.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.0311, 943.041, 943.17, 943.0313, 943.60, 943.69, 914.25 and 914.27

This bill repeals the following sections of the Florida Statutes: 943.031 and 943.042.

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

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

None.

²³ Section 943.69, F.S.

²⁴ Florida Department of Law Enforcement, *Senate Bill 1268 Fiscal Analysis* (March 2, 2025) (on file with the 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 Criminal Justice; and Senator Simon

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1 A bill to be entitled
 2 An act relating to juvenile justice; renaming ch. 984,
 3 F.S.; amending s. 984.01, F.S.; revising the purposes
 4 and intent of ch. 984, F.S.; amending s. 984.02, F.S.;
 5 revising the legislative intent for prevention and
 6 intervention; amending s. 984.03, F.S.; providing and
 7 revising definitions; amending s. 984.04, F.S.;
 8 deleting legislative intent; revising requirements for
 9 early truancy intervention; amending s. 984.06, F.S.;
 10 revising provisions concerning preservation of records
 11 and confidential information; amending s. 984.07,
 12 F.S.; providing for appointment of counsel in certain
 13 circumstances; providing for payment of counsel;
 14 providing for imposition of costs of appointed counsel
 15 on nonindigent parents in certain circumstances;
 16 providing for appointment of counsel to represent a
 17 parent or guardian in certain circumstances; amending
 18 s. 984.071, F.S.; revising provisions concerning
 19 production of an information guide concerning juvenile
 20 procedures; requiring specified departments to post
 21 the information guide on their websites; repealing s.
 22 984.08, F.S., relating to attorney fees; repealing s.
 23 984.085, F.S., relating to sheltering and aiding
 24 unmarried minors; creating s. 984.0861, F.S.;
 25 prohibiting the use of detention for specified
 26 purposes; amending s. 984.09, F.S.; revising
 27 provisions for a child's punishment for contempt of
 28 court; limiting periods for placement for direct
 29 contempt or indirect contempt; revising procedures for

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30 procedure and due process; amending s. 984.10, F.S.;
 31 authorizing an authorized agent of the Department of
 32 Juvenile Justice to perform intake; revising
 33 provisions concerning referrals for service; requiring
 34 the abuse hotline to be contacted in certain
 35 circumstances; authorizing a child to remain in
 36 custody in certain circumstances; amending s. 984.11,
 37 F.S.; requiring that an array of voluntary family
 38 services be available to remediate specified problems;
 39 providing that certain families are not eligible for
 40 voluntary family services; providing eligibility for
 41 children in certain circumstances if the Department of
 42 Children and Families agrees; providing for an
 43 interagency agreement to govern such referrals;
 44 amending s. 984.12, F.S.; requiring parents to use
 45 health care insurance to the extent that it is
 46 available; deleting provisions concerning collection
 47 of fees; amending s. 984.13, F.S.; authorizing that a
 48 child be taken into custody pursuant to a finding of
 49 contempt; specifying placement a child taken into
 50 custody in specified circumstances; revising the
 51 duties of a person taking a child into custody;
 52 amending s. 984.14, F.S.; revising provisions
 53 concerning voluntary shelter services and placement of
 54 children in such services; deleting provisions
 55 concerning involuntary placement in a shelter;
 56 amending s. 984.15, F.S.; revising requirements for
 57 petitions for a child in need of services; amending s.
 58 984.151, F.S.; providing for early truancy

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59 intervention; providing for additional services to be
 60 ordered if a student is found to be a truant status
 61 offender; revising provisions concerning compliance;
 62 providing for applicability in cases in which a
 63 student is found to be a child in need of services;
 64 providing for retention of jurisdiction by courts;
 65 providing an exception; providing for service of court
 66 orders on specified entities; amending s. 984.16,
 67 F.S.; requiring that a student's school receive notice
 68 of certain actions by courts; amending s. 984.17,
 69 F.S.; specifying when a guardian ad litem may be
 70 appointed; revising provisions concerning
 71 representation of the Department of Juvenile Justice
 72 in cases in which a child is alleged to be in need of
 73 services; repealing s. 984.18, F.S., relating to
 74 referral of child-in-need-of-services cases to
 75 mediation; amending s. 984.19, F.S.; providing that an
 76 authorized agent of the department may have a medical
 77 screening performed on a child placed in shelter care;
 78 revising provisions concerning consent for medical
 79 care for a child in the care of the department;
 80 amending s. 984.20, F.S.; revising provisions for
 81 hearings in child in need of services cases; providing
 82 that the failure of a person served with notice to
 83 appear at the arraignment hearing constitutes the
 84 person's consent to the child in need of services
 85 petition; requiring a specified notice in such
 86 petitions; amending s. 984.21, F.S.; specifying that
 87 an order of adjudication by a court that a child is a

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88 child in need of services is a civil adjudication and
 89 not a conviction; deleting provisions allowing a court
 90 to withhold an adjudication that a is child in need of
 91 services in certain cases; amending s. 984.22, F.S.;
 92 conforming provisions to changes made by the act;
 93 deleting provisions on the deposit of fees received;
 94 amending s. 984.225, F.S.; revising when a child in
 95 need of services may be placed in a shelter; revising
 96 placement procedures; providing for counseling orders;
 97 specifying the effect of a placement the legal
 98 responsibilities of a parent, guardian, or custodian;
 99 providing limits for shelter stays; deleting
 100 provisions concerning exhaustion of less restrictive
 101 alternatives; providing for periodic review of
 102 placements; providing for transfer of a child to the
 103 Department of Children and Families in certain
 104 circumstances; authorizing transfer to the custody of
 105 the Agency for Persons with Disabilities in certain
 106 circumstances; amending s. 984.226, F.S.; authorizing
 107 contracting for physically secure shelters; deleting
 108 provisions on representation in certain proceedings;
 109 requiring exhaustion of less restrictive placements
 110 before a child may be placed in a physically secure
 111 shelter; providing a time limit on secure shelter
 112 orders; proving legislative intent; revising
 113 provisions concerning review of secure shelter
 114 placements; providing for transfer to shelter
 115 placements in certain circumstances; requiring a child
 116 to be transferred to the Department of Children and

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117 Families in certain circumstances; providing for the
 118 transfer of a child to the Agency for Persons with
 119 Disabilities in certain circumstances; transferring
 120 and renumbering s. 985.731, F.S. as s. 787.035, F.S.,
 121 relating to offenses concerning providing sheltering
 122 unmarried minors and aiding unmarried minor runaways;
 123 providing criminal penalties; amending s. 985.03,
 124 F.S.; revising the definition of the term "child who
 125 has been found to have committed a delinquent act";
 126 amending s. 985.24, F.S.; prohibiting placement of a
 127 child subject to certain proceedings into secure
 128 detention care; amending s. 1003.26, F.S.; authorizing
 129 that certain meetings with parents may be conducted
 130 virtually or by telephone; providing for child study
 131 team meetings in the absence of a parent, legal
 132 guardian, or custodian or child; revising
 133 interventions by such team; providing for promotion of
 134 a child who is responsive to intervention and meets
 135 specified requirements; revising provisions concerning
 136 required notice of a child's enrollment or attendance
 137 issues; revising provisions concerning returning a
 138 student to a parent or other party in certain
 139 circumstances; amending s. 1003.27, F.S.; revising
 140 reporting requirements for reports by school
 141 principals to school boards concerning minor students
 142 who accumulate more than a specified number of
 143 absences; requiring actions by school boards;
 144 providing for remedial actions for failure to comply;
 145 revising provisions concerning habitual truancy cases;

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146 revising provisions concerning cooperative agreements;
 147 revising who may begin certain proceedings and
 148 prosecutions; deleting a provision concerning a civil
 149 penalty for students; revising provisions concerning
 150 truant students; amending s. 381.02035, F.S.;
 151 authorizing pharmacists employed by the Department of
 152 Juvenile Justice to import drugs from Canada under a
 153 specified program; amending s. 790.22, F.S.; revising
 154 provisions concerning the treatment of a finding that
 155 a minor violated specified provisions, regardless of
 156 whether adjudication was withheld, for the purposes of
 157 determining whether a prior offense was committed;
 158 amending s. 985.12, F.S.; deleting a requirement that
 159 the Department of Juvenile Justice annually develop
 160 and produce best practice models for prearrest
 161 delinquency citation programs; amending s. 985.126,
 162 F.S.; revising the requirements for a quarterly report
 163 on prearrest citation programs; amending s. 985.25,
 164 F.S.; providing for supervised release or detention of
 165 a child despite the child's risk assessment score in
 166 certain circumstances; limiting the number of
 167 categories that a child may be moved; amending s.
 168 985.433, F.S.; requiring that a child be placed on
 169 conditional release rather than probation following
 170 discharge from commitment; repealing s. 985.625, F.S.,
 171 relating to literacy programs for juvenile offenders;
 172 amending s. 985.632, F.S.; deleting a provision
 173 regarding development of a cost-effectiveness model
 174 and application of the model to each commitment

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175 program; amending ss. 95.11, 409.2564, 419.001,
 176 744.309, 784.075, and 985.618, F.S.; conforming
 177 provisions to changes made by the act; providing an
 178 effective date.

179
 180 Be It Enacted by the Legislature of the State of Florida:

181
 182 Section 1. Chapter 984, Florida Statutes, entitled
 183 "Children and Families in Need of Services," is renamed
 184 "Children and Families in Need of Services; Prevention and
 185 Intervention for School Truancy and Ungovernable and Runaway
 186 Children."

187 Section 2. Section 984.01, Florida Statutes, is amended to
 188 read:

189 984.01 Purposes and intent; personnel standards and
 190 screening.-

191 (1) The purposes of this chapter are:

192 (a) To provide judicial, nonjudicial, and other procedures
 193 to address the status offenses of children who are truant from
 194 school, run away from their caregivers, or exhibit ungovernable
 195 behavior by refusing to follow the household rules of their
 196 caregivers and engage in behavior that places the child at risk
 197 of harm; and to ensure ~~assure~~ due process through which children
 198 and other interested parties are assured fair hearings by a
 199 respectful and respected court ~~or other tribunal~~ and the
 200 recognition, protection, and enforcement of their constitutional
 201 and other legal rights, ~~while ensuring that public safety~~
 202 ~~interests and the authority and dignity of the courts are~~
 203 ~~adequately protected.~~

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204 (b) To provide for the care, safety, and protection of
 205 children in an environment that cultivates ~~fosters~~ healthy
 206 social, emotional, intellectual, and physical development; to
 207 ensure the safety of children ~~secure and safe custody~~; and to
 208 promote the education, health, and well-being of all children
 209 under the state's care.

210 (c) To ~~provide~~ ensure the protection of society, by
 211 ~~providing~~ for a needs ~~comprehensive standardized~~ assessment of
 212 the child's needs, strengths, and family dynamics so that the
 213 most appropriate services ~~control, discipline, punishment, and~~
 214 ~~treatment~~ can be provided in the most appropriate environment
 215 ~~administered~~ consistent with the ~~seriousness of the act~~
 216 ~~committed, the~~ community's long-term need for public safety and
 217 the safety of the individual child, with consideration given to
 218 the education and overall well-being, the prior record of the
 219 child, and the specific rehabilitation needs of the child, while
 220 ~~also providing restitution, whenever possible, to the victim of~~
 221 ~~the offense.~~

222 (d) To preserve and strengthen the child's family ties
 223 whenever possible; provide for temporary shelter placement of
 224 the child only when necessary for the child's education, safety,
 225 and welfare and when other less restrictive alternatives have
 226 been exhausted; provide, by providing for removal of the child
 227 from parental custody only when his or her welfare or the safety
 228 and protection of the public cannot be adequately safeguarded
 229 without such removal; and, when the child is removed from his or
 230 her own family, to secure custody, care, and education;
 231 encourage self-discipline; and increase protective factors when
 232 the child is in temporary shelter placement ~~discipline for the~~

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233 ~~child as nearly as possible equivalent to that which should have~~
 234 ~~been given by the parents; and to assure, in all cases in which~~
 235 ~~a child must be permanently removed from parental custody, that~~
 236 ~~the child be placed in an approved family home, adoptive home,~~
 237 ~~independent living program, or other placement that provides the~~
 238 ~~most stable and permanent living arrangement for the child, as~~
 239 ~~determined by the court.~~

240 (e) ~~1-~~ To ensure ~~assure~~ that the adjudication and
 241 disposition of a child alleged or found to be a child in need of
 242 services ~~have committed a violation of Florida law~~ be exercised
 243 with appropriate discretion and in keeping with the seriousness
 244 of the misconduct offense and the need for ~~treatment~~ services,
 245 and that all findings made under this chapter be based upon
 246 facts presented at a hearing that meets the constitutional
 247 standards of fundamental fairness and due process.

248 ~~2. To assure that the sentencing and placement of a child~~
 249 ~~tried as an adult be appropriate and in keeping with the~~
 250 ~~seriousness of the offense and the child's need for~~
 251 ~~rehabilitative services, and that the proceedings and procedures~~
 252 ~~applicable to such sentencing and placement be applied within~~
 253 ~~the full framework of constitutional standards of fundamental~~
 254 ~~fairness and due process.~~

255 (f) To provide a court process through which school boards
 256 are able to access the court for the limited purpose of early
 257 truancy intervention for children, subject to compulsory
 258 education, who are not engaging in regular school attendance,
 259 and encourage school attendance by educating children and their
 260 families on the importance of regular school attendance and
 261 provide services to families to prevent the child's pattern of

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262 ~~truancy from becoming habitual children committed to the~~
 263 ~~Department of Juvenile Justice with training in life skills,~~
 264 ~~including career education.~~

265 (2) ~~The department of Juvenile Justice or the Department of~~
 266 ~~Children and Families, as appropriate,~~ may contract with the
 267 Federal Government, other state departments and agencies, county
 268 and municipal governments and agencies, public and private
 269 agencies, and private individuals and corporations in carrying
 270 out the purposes of, and the responsibilities established in,
 271 this chapter.

272 (a) If the department contracts with a provider for any
 273 program for children, all personnel, including owners,
 274 operators, employees, and volunteers, in the facility must be of
 275 good moral character. The Each contract entered into by either
 276 department and any agency providing services for the department
 277 must require that each contract entered into for services
 278 delivered on an appointment or intermittent basis by a provider
 279 that does or does not have regular custodial responsibility for
 280 children and each contract with a school for before or aftercare
 281 services must ensure that the owners, operators, and all
 282 personnel who have direct contact with children are of good
 283 moral character and must meet level 2 screening requirements as
 284 described in s. 435.04. A volunteer who assists on an
 285 intermittent basis for less than 10 hours per month need not be
 286 screened if a person who meets the screening requirement of this
 287 section is always present and has the volunteer in his or her
 288 line of sight.

289 ~~(b) The department of Juvenile Justice and the Department~~
 290 ~~of Children and Families shall require employment screening~~

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291 ~~pursuant to chapter 435, using the level 2 standards set forth~~
 292 ~~in that chapter for personnel in programs for children or~~
 293 ~~youths.~~

294 ~~(b)(e)~~ The department ~~of Juvenile Justice or the Department~~
 295 ~~of Children and Families~~ may grant exemptions from
 296 disqualification from working with children as provided in s.
 297 435.07.

298 (c) Any shelter used for the placement of children under
 299 this chapter must be licensed by the Department of Children and
 300 Families.

301 ~~(3) It is the intent of the Legislature that~~ This chapter
 302 is to be liberally interpreted and construed in conformity with
 303 its declared purposes.

304 Section 3. Section 984.02, Florida Statutes, is amended to
 305 read:

306 984.02 Legislative intent for prevention and intervention
 307 under chapter 984 the juvenile justice system.

308 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
 309 the Legislature that the children of this state be provided with
 310 the following protections:

- 311 (a) Protection from abuse, neglect, and exploitation.
- 312 (b) A permanent and stable home.
- 313 (c) A safe and nurturing environment which will preserve a
 314 sense of personal dignity and integrity.
- 315 (d) Adequate nutrition, shelter, and clothing.
- 316 (e) Effective services or treatment to address physical,
 317 social, and emotional needs, ~~regardless of geographical~~
 318 ~~location.~~
- 319 (f) Equal opportunity and access to quality and effective

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320 education which will meet the individual needs of each child and
 321 prepare the child for future employment, and to recreation and
 322 other community resources to develop individual abilities.

323 (g) Access to preventive services to provide the child and
 324 family the support of community resources to address the needs
 325 of the child and reduce the risk of harm or engaging in
 326 delinquent behavior.

327 (h) ~~Court~~ ~~An independent, trained advocate when~~
 328 intervention only when is necessary to address at-risk behavior
 329 before the behavior escalates into harm to the child or to the
 330 community through delinquent behavior.

331 (i) Access to representation by a trained advocate when
 332 court proceedings are initiated under this chapter.

333 (j) Supervision and services by skilled staff when
 334 temporary out of home placement is necessary and a skilled
 335 guardian or caretaker in a safe environment when alternative
 336 placement is necessary.

337 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
 338 children in the care of the state's juvenile justice and
 339 intervention dependency and delinquency systems need appropriate
 340 health care services and, that the impact of substance abuse on
 341 health requires ~~indicates~~ the need for health care services to
 342 include substance abuse services when where appropriate, ~~and~~
 343 ~~that~~ It is in the state's best interest that ~~such~~ children be
 344 provided the services they need to enable them to become and
 345 remain independent of state care. In order to provide these
 346 services, the state's juvenile justice and intervention
 347 dependency and delinquency systems must have the ability to
 348 identify and make referrals to experts capable of providing

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349 ~~provide appropriate~~ intervention and treatment for children with
 350 personal or family-related substance abuse problems. It is
 351 therefore the purpose of the Legislature to provide authority
 352 for the state to contract with community substance abuse
 353 treatment providers for the development and operation of
 354 specialized support and overlay services for the juvenile
 355 justice and intervention ~~dependency and delinquency~~ systems,
 356 subject to legislative appropriation, which will be fully
 357 implemented and utilized as resources permit. This section does
 358 not prevent agencies from referring children and families to
 359 privately operated community service providers to the extent the
 360 families have funding or insurance to provide care.

361 (3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~
 362 PREVENTION.—It is the policy of the state regarding with respect
 363 ~~to~~ juvenile justice and intervention delinquency prevention to
 364 first protect the public from acts of delinquency. In addition,
 365 it is the policy of the state to:

366 (a) Develop and implement effective methods of preventing
 367 and reducing acts of delinquency, with a focus on maintaining
 368 and strengthening the family ~~as a whole~~ so that children may
 369 remain in their homes or communities.

370 (b) Develop and implement effective programs to prevent
 371 delinquency, to divert children from the traditional juvenile
 372 justice system, to intervene at an early stage of delinquency,
 373 and to provide critically needed alternatives to
 374 institutionalization and deep-end commitment.

375 (c) Provide well-trained personnel, high-quality services,
 376 and cost-effective programs within the juvenile justice system.

377 (d) Increase the capacity of local governments and public

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378 and private agencies to conduct rehabilitative treatment
 379 programs and to provide research, evaluation, and training
 380 services ~~for in the field of~~ juvenile delinquency prevention.

381 (e) Develop and implement effective early prevention
 382 programs to address truancy and ungovernable and runaway
 383 behavior of children which places the child at risk of harm, and
 384 allow for intervention before the child engages in a delinquent
 385 act.

386
 387 The Legislature intends that temporary shelter detention care,
 388 in addition to providing safe care ~~secure and safe custody~~, will
 389 promote the health and well-being of the children placed therein
 390 ~~committed thereto~~ and provide an environment that fosters their
 391 social, emotional, intellectual, and physical development.

392 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
 393 Parents, custodians, and guardians are deemed by the state to be
 394 responsible for providing their children with sufficient
 395 support, guidance, and supervision to deter their participation
 396 in delinquent acts, and ensure their children attend school and
 397 engage in education to prepare their child for their future. The
 398 state further recognizes that the ability of parents,
 399 custodians, and guardians to fulfill those responsibilities can
 400 be greatly impaired by economic, social, behavioral, emotional,
 401 and related problems. It is therefore the policy of the
 402 Legislature that it is the state's responsibility to ensure that
 403 factors impeding the ability of caretakers to fulfill their
 404 responsibilities are identified and appropriate recommendations
 405 are provided to address those impediments through the provision
 406 of nonjudicial voluntary family services for families in need of

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407 ~~services and through the child in need of services court~~
 408 ~~processes delinquency intake process and that appropriate~~
 409 ~~recommendations to address those problems are considered in any~~
 410 ~~judicial or nonjudicial proceeding.~~

411 (5) PROVISION OF SERVICES.-Services to families shall be
 412 provided on a continuum of increasing intensity and
 413 participation by the parent, legal guardian, or custodian and
 414 child. Judicial intervention to resolve the problems and
 415 conflicts that exist within a family shall be limited to
 416 situations in which a resolution to the problem or conflict has
 417 not been achieved through individual and family services after
 418 all available less restrictive resources have been exhausted. In
 419 creating this chapter, the Legislature recognizes the need to
 420 distinguish the problems of truants, runaways, and children
 421 beyond the control of their parents, and the services provided
 422 to these children, from the problems and services designed to
 423 meet the needs of abandoned, abused, neglected, and delinquent
 424 children. In achieving this distinction, it is the policy of the
 425 state to develop short-term services using the least restrictive
 426 method for children and families, early truancy intervention,
 427 and children in need of services.

428 Section 4. Section 984.03, Florida Statutes, is amended to
 429 read:

430 984.03 Definitions.—When used in this chapter, the term:

431 (1) "Abandoned" or "abandonment" have the same meaning as
 432 in s. 39.01(1) means a situation in which the parent or legal
 433 custodian of a child or, in the absence of a parent or legal
 434 custodian, the person responsible for the child's welfare, while
 435 being able, makes no provision for the child's support and makes

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436 ~~no effort to communicate with the child, which situation is~~
 437 ~~sufficient to evince a willful rejection of parental~~
 438 ~~obligations. If the efforts of such parent or legal custodian,~~
 439 ~~or person primarily responsible for the child's welfare to~~
 440 ~~support and communicate with the child are, in the opinion of~~
 441 ~~the court, only marginal efforts that do not evince a settled~~
 442 ~~purpose to assume all parental duties, the court may declare the~~
 443 ~~child to be abandoned. The term "abandoned" does not include a~~
 444 ~~"child in need of services" as defined in subsection (9) or a~~
 445 ~~"family in need of services" as defined in subsection (25). The~~
 446 ~~incarceration of a parent, legal custodian, or person~~
 447 ~~responsible for a child's welfare does not constitute a bar to a~~
 448 ~~finding of abandonment.~~

449 (2) "Abuse" has the same meaning as in s. 39.01(2) means
 450 any willful act that results in any physical, mental, or sexual
 451 injury that causes or is likely to cause the child's physical,
 452 mental, or emotional health to be significantly impaired.
 453 Corporal discipline of a child by a parent or guardian for
 454 disciplinary purposes does not in itself constitute abuse when
 455 it does not result in harm to the child as defined in s. 39.01.

456 (3) ~~"Addictions receiving facility" means a substance abuse~~
 457 ~~service provider as defined in chapter 397.~~

458 (3)(4) "Adjudicatory hearing" means a hearing for the court
 459 to determine whether or not the facts support the allegations
 460 stated in the petition as is provided for under s. 984.20(2) in
 461 child in need of services ~~child in need of services~~ cases.

462 (4)(5) "Adult" means any natural person other than a child.

463 (5)(6) "Authorized agent" or "designee" of the department
 464 means a person or agency assigned or designated by the

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465 Department of Juvenile Justice ~~or the Department of Children and~~
 466 ~~Families, as appropriate,~~ to perform duties or exercise powers
 467 pursuant to this chapter and includes contract providers and
 468 subcontracted providers and their employees for purposes of
 469 providing voluntary family services, and providing court-ordered
 470 services ~~to~~ and managing cases of children in need of services
 471 ~~and families in need of services.~~

472 ~~(7) "Caretaker/homemaker" means an authorized agent of the~~
 473 ~~Department of Children and Families who shall remain in the~~
 474 ~~child's home with the child until a parent, legal guardian, or~~
 475 ~~relative of the child enters the home and is capable of assuming~~
 476 ~~and agrees to assume charge of the child.~~

477 ~~(6)(8)~~ "Child" or "juvenile" or "youth" means any unmarried
 478 person under the age of 18 who has not been emancipated by order
 479 of the court and who has been found ~~or alleged to be dependent,~~
 480 ~~in need of services, or from a family in need of services; or~~
 481 ~~any married or unmarried person who is charged with a violation~~
 482 ~~of law occurring prior to the time that person reached the age~~
 483 ~~of 18 years.~~

484 ~~(7)(9)~~ "Child in need of services" means a child for whom
 485 there is no pending petition filed with the court ~~investigation~~
 486 ~~into an allegation or suspicion of abuse, neglect, or~~
 487 ~~abandonment; no pending referral~~ alleging the child is
 488 delinquent; ~~or no current~~ court ordered supervision by the
 489 department for delinquency under chapter 985 of Juvenile Justice
 490 ~~or the Department of Children and Families for an adjudication~~
 491 ~~of dependency under chapter 39 or delinquency.~~ The child must
 492 also, pursuant to this chapter, be found by the court:

493 (a) To have persistently run away from the child's parents,

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494 ~~or~~ legal guardians, or custodians despite reasonable efforts of
 495 ~~the child, the parents, or~~ legal guardians, or custodians, and
 496 appropriate agencies to remedy the conditions contributing to
 497 the behavior. Reasonable efforts shall include ~~voluntary~~
 498 participation by the child's parents ~~or~~ legal guardian, or
 499 custodians and the child in ~~family mediation, voluntary~~
 500 services, and treatment offered by the department or through its
 501 authorized agent ~~of Juvenile Justice or the Department of~~
 502 ~~Children and Families;~~

503 (b) To be a habitual habitually truant from school, while
 504 subject to compulsory school attendance, despite reasonable
 505 efforts to remedy the situation pursuant to ss. 1003.26 and
 506 1003.27 and ~~through voluntary participation by the child's~~
 507 ~~parents or legal custodians and by the child in family~~
 508 ~~mediation, services, and treatment~~ offered by the department or
 509 its authorized agent ~~of Juvenile Justice or the Department of~~
 510 ~~Children and Families; or~~

511 (c) To be ungovernable by having ~~have~~ persistently
 512 disobeyed the reasonable and lawful rules and demands of the
 513 child's parents, ~~or~~ legal guardians, or custodians, and to be
 514 beyond their control despite the child having the mental and
 515 physical capacity to understand and obey lawful rules and
 516 demands, and despite efforts by the child's parents, ~~or~~ legal
 517 guardians, or custodians and appropriate agencies to remedy the
 518 conditions contributing to the behavior. Reasonable efforts may
 519 include such things as good faith participation in voluntary
 520 family services or individual services ~~counseling.~~

521 ~~(10) "Child support" means a court ordered obligation,~~
 522 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~

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523 monetary support for the care, maintenance, training, and
524 education of a child.

525 ~~(11) "Child who has been found to have committed a~~
526 ~~delinquent act" means a child who, pursuant to the provisions of~~
527 ~~chapter 985, is found by a court to have committed a violation~~
528 ~~of law or to be in direct or indirect contempt of court, except~~
529 ~~that this definition shall not include an act constituting~~
530 ~~contempt of court arising out of a dependency proceeding or a~~
531 ~~proceeding pursuant to this chapter.~~

532 ~~(12) "Child who is found to be dependent" or "dependent~~
533 ~~child" means a child who, pursuant to this chapter, is found by~~
534 ~~the court:~~

535 ~~(a) To have been abandoned, abused, or neglected by the~~
536 ~~child's parents or other custodians.~~

537 ~~(b) To have been surrendered to the former Department of~~
538 ~~Health and Rehabilitative Services, the Department of Children~~
539 ~~and Families, or a licensed child-placing agency for purpose of~~
540 ~~adoption.~~

541 ~~(c) To have been voluntarily placed with a licensed child-~~
542 ~~earing agency, a licensed child-placing agency, an adult~~
543 ~~relative, the former Department of Health and Rehabilitative~~
544 ~~Services, or the Department of Children and Families, after~~
545 ~~which placement, under the requirements of this chapter, a case~~
546 ~~plan has expired and the parent or parents have failed to~~
547 ~~substantially comply with the requirements of the plan.~~

548 ~~(d) To have been voluntarily placed with a licensed child-~~
549 ~~placing agency for the purposes of subsequent adoption and a~~
550 ~~natural parent or parents signed a consent pursuant to the~~
551 ~~Florida Rules of Juvenile Procedure.~~

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552 ~~(e) To have no parent, legal custodian, or responsible~~
553 ~~adult relative to provide supervision and care.~~

554 ~~(f) To be at substantial risk of imminent abuse or neglect~~
555 ~~by the parent or parents or the custodian.~~

556 ~~(8)(13)~~ "Circuit" means any of the 20 judicial circuits as
557 set forth in s. 26.021.

558 ~~(14) "Comprehensive assessment" or "assessment" means the~~
559 ~~gathering of information for the evaluation of a juvenile~~
560 ~~offender's or a child's physical, psychological, educational,~~
561 ~~vocational, and social condition and family environment as they~~
562 ~~relate to the child's need for rehabilitative and treatment~~
563 ~~services, including substance abuse treatment services, mental~~
564 ~~health services, developmental services, literacy services,~~
565 ~~medical services, family services, and other specialized~~
566 ~~services, as appropriate.~~

567 ~~(9)(15)~~ "Court," unless otherwise expressly stated, means
568 the circuit court assigned to exercise jurisdiction under this
569 chapter.

570 ~~(10)~~ "Custodian" means any adult person who is exercising
571 actual physical custody of the child and is providing food,
572 clothing, and care for the child in the absence of a parent or
573 legal guardian.

574 ~~(16) "Delinquency program" means any intake, community~~
575 ~~control, or similar program; regional detention center or~~
576 ~~facility; or community-based program, whether owned and operated~~
577 ~~by or contracted by the Department of Juvenile Justice, or~~
578 ~~institution owned and operated by or contracted by the~~
579 ~~Department of Juvenile Justice, which provides intake,~~
580 ~~supervision, or custody and care of children who are alleged to~~

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581 ~~be or who have been found to be delinquent pursuant to chapter~~
582 ~~985.~~

583 ~~(11)(17)~~ "Department" means the Department of Juvenile
584 Justice.

585 ~~(18)~~ "Detention care" means the temporary care of a child
586 in secure, nonsecure, or home detention, pending a court
587 adjudication or disposition or execution of a court order. There
588 are three types of detention care, as follows:

589 ~~(a)~~ "Secure detention" means temporary custody of the child
590 while the child is under the physical restriction of a detention
591 center or facility pending adjudication, disposition, or
592 placement.

593 ~~(b)~~ "Nonsecure detention" means temporary custody of the
594 child while the child is in a residential home in the community
595 in a physically nonrestrictive environment under the supervision
596 of the Department of Juvenile Justice pending adjudication,
597 disposition, or placement.

598 ~~(c)~~ "Home detention" means temporary custody of the child
599 while the child is released to the custody of the parent,
600 guardian, or custodian in a physically nonrestrictive
601 environment under the supervision of the Department of Juvenile
602 Justice staff pending adjudication, disposition, or placement.

603 ~~(19)~~ "Detention center or facility" means a facility used
604 pending court adjudication or disposition or execution of court
605 order for the temporary care of a child alleged or found to have
606 committed a violation of law. A detention center or facility may
607 provide secure or nonsecure custody. A facility used for the
608 commitment of adjudicated delinquents shall not be considered a
609 detention center or facility.

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610 ~~(20)~~ "Detention hearing" means a hearing for the court to
611 determine if a child should be placed in temporary custody, as
612 provided for under s. 39.402, in dependency cases.

613 ~~(21)~~ "Diligent efforts of social service agency" means
614 reasonable efforts to provide social services or reunification
615 services made by any social service agency as defined in this
616 section that is a party to a case plan.

617 ~~(22)~~ "Diligent search" means the efforts of a social
618 service agency to locate a parent or prospective parent whose
619 identity or location is unknown, or a relative made known to the
620 social services agency by the parent or custodian of a child.
621 When the search is for a parent, prospective parent, or relative
622 of a child in the custody of the department, this search must be
623 initiated as soon as the agency is made aware of the existence
624 of such parent, prospective parent, or relative. A diligent
625 search shall include interviews with persons who are likely to
626 have information about the identity or location of the person
627 being sought, comprehensive database searches, and records
628 searches, including searches of employment, residence,
629 utilities, Armed Forces, vehicle registration, child support
630 enforcement, law enforcement, and corrections records, and any
631 other records likely to result in identifying and locating the
632 person being sought. The initial diligent search must be
633 completed within 90 days after a child is taken into custody.
634 After the completion of the initial diligent search, the
635 department, unless excused by the court, shall have a continuing
636 duty to search for relatives with whom it may be appropriate to
637 place the child, until such relatives are found or until the
638 child is placed for adoption.

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639 ~~(12)(23)~~ "Disposition hearing" means a hearing in which the
 640 court determines the most appropriate dispositional services in
 641 the least restrictive available setting provided for under s.
 642 984.20(3), in child in need of services ~~child-in-need-of-~~
 643 ~~services~~ cases.

644 (13) "Early truancy intervention" means action taken by a
 645 school or school district pursuant to s. 1003.26 to identify a
 646 pattern of nonattendance by a student subject to compulsory
 647 school attendance at the earliest opportunity to address the
 648 reasons for the student's nonattendance, and includes services
 649 provided by the school or school district, or the department or
 650 its authorized agent pursuant to s. 984.11, and may include
 651 judicial action pursuant to s. 984.151 or s. 1003.27.

652 (14)(24) "Family" means a collective body of persons,
 653 consisting of a child and a parent, legal guardian, ~~adult~~
 654 custodian, or adult relative, in which:

655 (a) The persons reside in the same house or living unit; or

656 (b) The parent, legal guardian, ~~adult~~ custodian, or adult
 657 relative has a legal responsibility by blood, marriage, or court
 658 order to support or care for the child.

659 (15)(25) "Family in need of services" means a family that
 660 has a child who is running away; who is ungovernable and
 661 persistently disobeying reasonable and lawful demands of the
 662 parent or legal custodian and is beyond the control of the
 663 parent or legal custodian; or who is a habitual ~~habitually~~
 664 truant ~~from school~~ or engaging in other serious behaviors that
 665 place the child at risk of future abuse, neglect, or abandonment
 666 or at risk of entering the juvenile justice system. The child
 667 must be referred to a law enforcement agency, the department of

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668 ~~Juvenile Justice~~, or an agency contracted to provide services to
 669 children in need of services. A family is not eligible to
 670 receive voluntary family services if, at the time of the
 671 referral, ~~there is an open investigation into an allegation of~~
 672 ~~abuse, neglect, or abandonment~~ or if the child is currently
 673 under court-ordered supervision by the department for
 674 delinquency under chapter 985 of Juvenile Justice or the
 675 Department of Children and Families due to a finding of
 676 dependency under chapter 39 ~~an adjudication of dependency or~~
 677 ~~delinquency~~.

678 ~~(26)~~ "Foster care" means care provided a child in a foster
 679 family or boarding home, group home, agency boarding home, child
 680 care institution, or any combination thereof.

681 (16)(27) "Habitual Habitually truant" has the same meaning
 682 as in s. 1003.01(12). ~~means that:~~

683 ~~(a)~~ The child has 15 unexcused absences within 90 calendar
 684 days with or without the knowledge or justifiable consent of the
 685 child's parent or legal guardian, is subject to compulsory
 686 school attendance under s. 1003.21(1) and (2)(a), and is not
 687 exempt under s. 1003.21(3), s. 1003.24, or any other exemptions
 688 specified by law or the rules of the State Board of Education.

689 ~~(b)~~ Activities to determine the cause, and to attempt the
 690 remediation, of the child's truant behavior under ss. 1003.26
 691 and 1003.27(3), have been completed.

692
 693 ~~If a child who is subject to compulsory school attendance is~~
 694 ~~responsive to the interventions described in ss. 1003.26 and~~
 695 ~~1003.27(3) and has completed the necessary requirements to pass~~
 696 ~~the current grade as indicated in the district pupil progression~~

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697 ~~plan, the child shall not be determined to be habitually truant~~
 698 ~~and shall be passed. If a child within the compulsory school~~
 699 ~~attendance age has 15 unexcused absences within 90 calendar days~~
 700 ~~or fails to enroll in school, the State Attorney may, or the~~
 701 ~~appropriate jurisdictional agency shall, file a child in need-~~
 702 ~~of-services petition if recommended by the case staffing~~
 703 ~~committee, unless it is determined that another alternative~~
 704 ~~action is preferable. The failure or refusal of the parent or~~
 705 ~~legal guardian or the child to participate, or make a good faith~~
 706 ~~effort to participate, in the activities prescribed to remedy~~
 707 ~~the truant behavior, or the failure or refusal of the child to~~
 708 ~~return to school after participation in activities required by~~
 709 ~~this subsection, or the failure of the child to stop the truant~~
 710 ~~behavior after the school administration and the Department of~~
 711 ~~Juvenile Justice have worked with the child as described in ss.~~
 712 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~
 713 ~~1003.27.~~

714 (17)(28) "Intake" means the initial acceptance and
 715 screening by the department or its authorized agent of a
 716 referral from an early truancy intervention court, a school
 717 board, or a school requesting services; a request for assistance
 718 from a parent or child; or a complaint, of Juvenile Justice of a
 719 complaint or a law enforcement report, or probable cause
 720 affidavit of a child's truancy, ungovernable behavior, or
 721 running away, on behalf of a family delinquency, family in need
 722 of services, or child in need of services to determine the most
 723 appropriate course of action recommendation to be taken in the
 724 best interests of the child, the family, and the community. The
 725 emphasis of intake is on diversion and the least restrictive

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726 available services. Consequently, intake includes such
 727 alternatives as:

728 (a) The disposition of the request for services, complaint,
 729 report, or probable cause affidavit without court or public
 730 agency action or judicial handling when appropriate.

731 (b) The referral of the child to another public or private
 732 agency when appropriate.

733 (c) The recommendation by the assigned intake case manager
 734 juvenile probation officer of judicial handling when appropriate
 735 and warranted.

736 (18)(29) "Judge" means the circuit judge exercising
 737 jurisdiction pursuant to this chapter.

738 ~~(30)~~ "Juvenile justice continuum" includes, but is not
 739 limited to, delinquency prevention programs and services
 740 designed for the purpose of preventing or reducing delinquent
 741 acts, including criminal activity by criminal gangs and juvenile
 742 arrests, as well as programs and services targeted at children
 743 who have committed delinquent acts, and children who have
 744 previously been committed to residential treatment programs for
 745 delinquents. The term includes ~~children in need of services and~~
 746 ~~families in need of services programs; conditional release;~~
 747 ~~substance abuse and mental health programs; educational and~~
 748 ~~vocational programs; recreational programs; community services~~
 749 ~~programs; community service work programs; and alternative~~
 750 ~~dispute resolution programs serving children at risk of~~
 751 ~~delinquency and their families, whether offered or delivered by~~
 752 ~~state or local governmental entities, public or private for-~~
 753 ~~profit or not for profit organizations, or religious or~~
 754 ~~charitable organizations.~~

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755 ~~(31) "Juvenile probation officer" means the authorized~~
 756 ~~agent of the department who performs and directs intake,~~
 757 ~~assessment, probation, or conditional release, and other related~~
 758 ~~services.~~

759 ~~(19)(32)~~ "Legal custody" means a legal status created by
 760 court order or letter of guardianship which vests in a custodian
 761 of the person or guardian, whether an agency or an individual,
 762 the right to have physical custody of the child and the right
 763 and duty to protect, train, and discipline the child and to
 764 provide him or her with food, shelter, education, and ordinary
 765 medical, dental, psychiatric, and psychological care.

766 ~~(20)(33)~~ "Licensed child-caring agency" means a person,
 767 society, association, or agency licensed by the Department of
 768 Children and Families to care for, receive, and board children,
 769 and includes shelters under this chapter.

770 ~~(21)(34)~~ "Licensed health care professional" means a
 771 physician licensed under chapter 458, an osteopathic physician
 772 licensed under chapter 459, a nurse licensed under part I of
 773 chapter 464, a physician assistant licensed under chapter 458 or
 774 chapter 459, or a dentist licensed under chapter 466.

775 ~~(35) "Mediation" means a process whereby a neutral third~~
 776 ~~person called a mediator acts to encourage and facilitate the~~
 777 ~~resolution of a dispute between two or more parties. It is an~~
 778 ~~informal and nonadversarial process with the objective of~~
 779 ~~helping the disputing parties reach a mutually acceptable and~~
 780 ~~voluntary agreement. In mediation, decisionmaking authority~~
 781 ~~rests with the parties. The role of the mediator includes, but~~
 782 ~~is not limited to, assisting the parties in identifying issues,~~
 783 ~~fostering joint problem solving, and exploring settlement~~

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784 ~~alternatives.~~

785 ~~(22)(36)~~ "Necessary medical treatment" means care that is
 786 necessary within a reasonable degree of medical certainty to
 787 prevent the deterioration of a child's condition or to alleviate
 788 immediate pain of a child.

789 ~~(23)~~ "Needs assessment" means the gathering of information
 790 for the evaluation of a child's physical, psychological,
 791 educational, vocational, and social condition and family
 792 environment related to the child's need for services, including
 793 substance abuse treatment services, mental health services,
 794 developmental services, literacy services, medical services,
 795 family services, individual and family counseling, education
 796 services, and other specialized services, as appropriate.

797 ~~(24)(37)~~ "Neglect" has the same meaning as in s. 39.01(53).
 798 ~~occurs when the parent or legal custodian of a child or, in the~~
 799 ~~absence of a parent or legal custodian, the person primarily~~
 800 ~~responsible for the child's welfare deprives a child of, or~~
 801 ~~allows a child to be deprived of, necessary food, clothing,~~
 802 ~~shelter, or medical treatment or permits a child to live in an~~
 803 ~~environment when such deprivation or environment causes the~~
 804 ~~child's physical, mental, or emotional health to be~~
 805 ~~significantly impaired or to be in danger of being significantly~~
 806 ~~impaired. The foregoing circumstances shall not be considered~~
 807 ~~neglect if caused primarily by financial inability unless actual~~
 808 ~~services for relief have been offered to and rejected by such~~
 809 ~~person. A parent or guardian legitimately practicing religious~~
 810 ~~beliefs in accordance with a recognized church or religious~~
 811 ~~organization who thereby does not provide specific medical~~
 812 ~~treatment for a child shall not, for that reason alone, be~~

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813 considered a negligent parent or guardian; however, such an
 814 exception does not preclude a court from ordering the following
 815 services to be provided, when the health of the child ~~so~~
 816 ~~requires:~~

817 ~~(a) Medical services from a licensed physician, dentist,~~
 818 ~~optometrist, podiatric physician, or other qualified health care~~
 819 ~~provider; or~~

820 ~~(b) Treatment by a duly accredited practitioner who relies~~
 821 ~~solely on spiritual means for healing in accordance with the~~
 822 ~~tenets and practices of a well-recognized church or religious~~
 823 ~~organization.~~

824 ~~(38) "Next of kin" means an adult relative of a child who~~
 825 ~~is the child's brother, sister, grandparent, aunt, uncle, or~~
 826 ~~first cousin.~~

827 ~~(25)(39) "Parent" means a woman who gives birth to a child~~
 828 ~~and a man whose consent to the adoption of the child would be~~
 829 ~~required under s. 63.062(1). If a child has been legally~~
 830 ~~adopted, the term "parent" means the adoptive mother or father~~
 831 ~~of the child. The term does not include an individual whose~~
 832 ~~parental relationship to the child has been legally terminated,~~
 833 ~~or an alleged or prospective parent, unless the parental status~~
 834 ~~falls within the terms of either s. 39.503(1) or s. 63.062(1).~~

835 ~~(26)(40) "Participant," for purposes of a shelter~~
 836 ~~proceeding under this chapter, means any person who is not a~~
 837 ~~party but who should receive notice of hearings involving the~~
 838 ~~child, including foster parents, identified prospective parents,~~
 839 ~~grandparents entitled to priority for adoption consideration~~
 840 ~~under s. 63.0425, actual custodians of the child, and any other~~
 841 ~~person whose participation may be in the best interest of the~~

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842 child. Participants may be granted leave by the court to be
 843 heard without the necessity of filing a motion to intervene.

844 ~~(27)(41) "Party," for purposes of a shelter proceeding~~
 845 under this chapter, means the parent, legal guardian, or actual
 846 custodian of the child, the petitioner, the department, the
 847 guardian ad litem when one has been appointed, and the child.
 848 The presence of the child may be excused by order of the court
 849 when presence would not be in the child's best interest or the
 850 child has failed to appear for a proceeding after having been
 851 noticed. ~~Notice to the child may be excused by order of the~~
 852 ~~court when the age, capacity, or other condition of the child is~~
 853 ~~such that the notice would be meaningless or detrimental to the~~
 854 ~~child.~~

855 ~~(28) "Physically secure shelter" means a department-~~
 856 approved locked facility or locked unit within a facility for
 857 the care of a child adjudicated a child in need of services who
 858 is court ordered to be held pursuant to s. 984.226. A physically
 859 secure shelter unit shall provide 24-hour, continuous
 860 supervision.

861 ~~(42) "Preliminary screening" means the gathering of~~
 862 ~~preliminary information to be used in determining a child's need~~
 863 ~~for further evaluation or assessment or for referral for other~~
 864 ~~substance abuse services through means such as psychosocial~~
 865 ~~interviews, urine and breathalyzer screenings, and reviews of~~
 866 ~~available educational, delinquency, and dependency records of~~
 867 ~~the child.~~

868 ~~(29)(43) "Preventive services" means social services and~~
 869 ~~other supportive and~~ evaluation and intervention ~~rehabilitative~~
 870 ~~services provided to the~~ child or the parent, ~~of the child, the~~

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871 legal guardian ~~of the child,~~ or the custodian of the child ~~and~~
 872 ~~to the child~~ for the purpose of averting the removal of the
 873 child from the home or disruption of a family which will or
 874 could result in an adjudication that orders the placement of a
 875 child under dependency supervision into foster care or into the
 876 delinquency system ~~or that will or could result in the child~~
 877 ~~living on the street.~~ Social services and other supportive ~~and~~
 878 ~~rehabilitative~~ services may include the provision of assessment
 879 and screening services; individual, group, or family counseling;
 880 specialized educational and vocational services; temporary
 881 voluntary shelter for the child; outreach services for children
 882 living on the street; ~~independent living services to assist~~
 883 ~~adolescents in achieving a successful transition to adulthood;~~
 884 and other specialized services.

885 ~~(44) "Protective supervision" means a legal status in~~
 886 ~~child-in-need-of-services cases or family-in-need-of-services~~
 887 ~~cases which permits the child to remain in his or her own home~~
 888 ~~or other placement under the supervision of an agent of the~~
 889 ~~Department of Juvenile Justice or the Department of Children and~~
 890 ~~Families, subject to being returned to the court during the~~
 891 ~~period of supervision.~~

892 ~~(30)(45)~~ "Relative" means a grandparent, great-grandparent,
 893 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
 894 niece, or nephew, whether related by the whole or half blood, by
 895 affinity, or by adoption. The term does not include a
 896 stepparent.

897 ~~(31)(46)~~ "Reunification services" means social services and
 898 other supportive ~~and rehabilitative~~ services provided to the
 899 child and the parent of the child, the legal guardian of the

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900 child, or the custodian of the child, whichever is applicable,+
 901 ~~the child, and, where appropriate, the foster parents of the~~
 902 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
 903 placed in temporary shelter care to return to his or her family
 904 at the most appropriate and effective ~~earliest possible~~ time
 905 based on the presenting concerns at intake. Social services and
 906 other supportive ~~and rehabilitative~~ services shall be consistent
 907 with the child's need for a safe, continuous, and stable living
 908 environment and shall promote the strengthening of family life
 909 whenever possible.

910 ~~(32)(47)~~ "Secure detention center or facility" means a
 911 physically restricting facility for the temporary care of
 912 children, pending adjudication, disposition, or placement under
 913 chapter 985.

914 ~~(33)(48)~~ "Shelter" means a department-approved shelter
 915 facility for the temporary care of runaway children; children
 916 placed for voluntary shelter respite upon request of the child
 917 or the child's parent, legal guardian, or custodian; or for
 918 placement of a child who has been adjudicated a child in need of
 919 services or who has been found in contempt of court under s.
 920 984.09. Shelters must provide 24-hour continual supervision a
 921 place for the temporary care of a child who is alleged to be or
 922 who has been found to be dependent, a child from a family in
 923 need of services, or a child in need of services, pending court
 924 disposition before or after adjudication or after execution of a
 925 court order. "Shelter" may include a facility which provides 24-
 926 hour continual supervision for the temporary care of a child who
 927 is placed pursuant to s. 984.14.

928 ~~(49)~~ "Shelter hearing" means a hearing provided for under

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929 ~~s. 984.14 in family-in-need-of-services cases or child-in-need-~~
 930 ~~of-services cases.~~

931 ~~(50) "Staff-secure shelter" means a facility in which a~~
 932 ~~child is supervised 24 hours a day by staff members who are~~
 933 ~~awake while on duty. The facility is for the temporary care and~~
 934 ~~assessment of a child who has been found to be dependent, who~~
 935 ~~has violated a court order and been found in contempt of court,~~
 936 ~~or whom the Department of Children and Families is unable to~~
 937 ~~properly assess or place for assistance within the continuum of~~
 938 ~~services provided for dependent children.~~

939 ~~(34)(51)~~ "Substance abuse" means using, without medical
 940 reason, any psychoactive or mood-altering drug, including
 941 alcohol, in such a manner as to induce impairment resulting in
 942 dysfunctional social behavior.

943 ~~(35)(52)~~ "Taken into custody" means the status of a child
 944 immediately when temporary physical control over the child is
 945 attained by a person authorized by law, pending the child's
 946 release, shelter detention, placement, or other disposition as
 947 authorized by law.

948 ~~(36)(53)~~ "Temporary legal custody" means the relationship
 949 that a juvenile court creates between a child and an adult
 950 relative of the child, adult nonrelative approved by the court,
 951 or other person until a more permanent arrangement is ordered.
 952 Temporary legal custody confers upon the custodian the right to
 953 have temporary physical custody of the child and the right and
 954 duty to protect, train, and discipline the child and to provide
 955 the child with food, shelter, and education, and ordinary
 956 medical, dental, psychiatric, and psychological care, unless
 957 these rights and duties are otherwise enlarged or limited by the

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958 court order establishing the temporary legal custody
 959 relationship.

960 ~~(37)(54)~~ "Truancy petition" means a petition filed by the
 961 superintendent of schools under s. 984.151 for the purpose of
 962 early truancy intervention alleging that a student subject to
 963 compulsory school attendance has had at least five unexcused
 964 absences, or absences for which the reasons are unknown, within
 965 a calendar month or 10 unexcused absences, or absences for which
 966 the reasons are unknown, within a 90-calendar-day period, or has
 967 had more than 15 unexcused absences in a 90-calendar-day period.
 968 ~~A truancy petition is filed and processed under s. 984.151.~~

969 ~~(38)~~ "Truant status offender" means a child subject to the
 970 jurisdiction of the court under s. 984.151 who has been found by
 971 the court to be truant while subject to compulsory education.
 972 The court's jurisdiction is limited to entering orders to
 973 require the child to attend school and participate in services
 974 to encourage regular school attendance. A truant status offender
 975 is not a delinquent child and may not be deemed to have
 976 committed a criminal or delinquent act solely due to failure to
 977 attend school.

978 ~~(39)(55)~~ "Violation of law" or "delinquent act" means a
 979 violation of any law of this state, the United States, or any
 980 other state which is a misdemeanor or a felony or a violation of
 981 a county or municipal ordinance which would be punishable by
 982 incarceration if the violation were committed by an adult.

983 ~~(40)~~ "Voluntary family services" means voluntary services
 984 provided by the department or an agency designated by the
 985 department to a family that has a child who is running away; who
 986 is ungovernable by persistently disobeying reasonable and lawful

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987 demands of the parent, legal guardian, or custodian and is
 988 beyond the control of the parent, legal guardian, or custodian;
 989 or who is a habitual truant or engaging in other serious
 990 behaviors that place the child at risk of future abuse, neglect,
 991 abandonment, or entering the juvenile justice system. The child
 992 must be referred to the Department of Juvenile Justice or an
 993 agency designated by the department to provide voluntary
 994 services to families and children.

995 Section 5. Section 984.04, Florida Statutes, is amended to
 996 read:

997 984.04 Early truancy intervention; families in need of
 998 services and children in need of services; procedures and
 999 jurisdiction.-

1000 ~~(1) It is the intent of the Legislature to address the~~
 1001 ~~problems of families in need of services by providing them with~~
 1002 ~~an array of services designed to preserve the unity and~~
 1003 ~~integrity of the family and to emphasize parental responsibility~~
 1004 ~~for the behavior of their children. Services to families in need~~
 1005 ~~of services and children in need of services shall be provided~~
 1006 ~~on a continuum of increasing intensity and participation by the~~
 1007 ~~parent and child. Judicial intervention to resolve the problems~~
 1008 ~~and conflicts that exist within a family shall be limited to~~
 1009 ~~situations in which a resolution to the problem or conflict has~~
 1010 ~~not been achieved through service, treatment, and family~~
 1011 ~~intervention after all available less restrictive resources have~~
 1012 ~~been exhausted. In creating this chapter, the Legislature~~
 1013 ~~recognizes the need to distinguish the problems of truant,~~
 1014 ~~runaways, and children beyond the control of their parents, and~~
 1015 ~~the services provided to these children, from the problems and~~

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1016 ~~services designed to meet the needs of abandoned, abused,~~
 1017 ~~neglected, and delinquent children. In achieving this~~
 1018 ~~recognition, it shall be the policy of the state to develop~~
 1019 ~~short-term, temporary services and programs utilizing the least~~
 1020 ~~restrictive method for families in need of services and children~~
 1021 ~~in need of services.~~

1022 ~~(1)(2)~~ The department of ~~Juvenile Justice~~ shall be
 1023 responsible for all nonjudicial proceedings involving voluntary
 1024 a family ~~in need of~~ services for a family identified as a family
 1025 in need of services.

1026 ~~(3) All nonjudicial procedures in family in need of~~
 1027 ~~services cases shall be~~ according to rules established by the
 1028 department of ~~Juvenile Justice~~ under chapter 120.

1029 ~~(2)(4)~~ The circuit court shall have exclusive original
 1030 jurisdiction of judicial proceedings involving early truancy
 1031 intervention. When the jurisdiction of any child found to be
 1032 truant under s. 984.151 is obtained, the court may retain
 1033 jurisdiction for up to 180 days. The court must terminate
 1034 supervision and relinquish jurisdiction if the child has
 1035 substantially complied with the requirements of early truancy
 1036 intervention, is no longer subject to compulsory education, or
 1037 is adjudicated a child in need of services under s. 984.21
 1038 ~~continued placement of a child from a family in need of services~~
 1039 ~~in shelter.~~

1040 ~~(3)(5)~~ The circuit court shall have exclusive original
 1041 jurisdiction of proceedings in which a child is alleged to be a
 1042 child in need of services. When the jurisdiction of any child
 1043 who has been found to be a child in need of services or the
 1044 parent, custodian, or legal guardian of such a child is

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1045 obtained, the court shall retain jurisdiction, unless
 1046 relinquished by its order or unless the department withdraws its
 1047 petition because the child no longer meets the definition of a
 1048 child in need of services as defined in s. 984.03, until the
 1049 child reaches 18 years of age. This subsection ~~does shall not be~~
 1050 ~~construed to prevent the exercise of jurisdiction by any other~~
 1051 ~~court having jurisdiction of the child if the child commits a~~
 1052 ~~violation of law, is the subject of the dependency provisions~~
 1053 ~~under this chapter, or is the subject of a pending investigation~~
 1054 ~~into an allegation or suspicion of abuse, neglect, or~~
 1055 ~~abandonment.~~

1056 (4) Jurisdiction of the circuit court shall attach to the
 1057 case and parties to proceedings filed under s. 984.15 or under
 1058 s. 984.151 when the summons is served upon the child and a
 1059 parent, legal guardian, or custodian, or when the parties
 1060 personally appear before the court.

1061 (5) ~~(6)~~ All procedures, including petitions, pleadings,
 1062 subpoenas, summonses, and hearings, in proceedings under this
 1063 chapter ~~family in need of services cases and child in need of~~
 1064 ~~services cases~~ shall be according to the Florida Rules of
 1065 Juvenile Procedure unless otherwise provided by law.

1066 ~~(7) The department may contract with a provider to provide~~
 1067 ~~services and programs for families in need of services and~~
 1068 ~~children in need of services.~~

1069 Section 6. Subsections (2) and (4) of section 984.06,
 1070 Florida Statutes, are amended to read:

1071 984.06 Oaths, records, and confidential information.—

1072 (2) The court shall make and keep records of all cases
 1073 brought before it pursuant to this chapter and shall preserve

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1074 the records ~~pertaining to a child in need of services~~ until 10
 1075 years after the last entry was made or until the child is 18
 1076 years of age, whichever date is first reached, and may then
 1077 destroy them. The court shall make official records, consisting
 1078 of all petitions and orders filed in a case arising pursuant to
 1079 this chapter and any other pleadings, certificates, proofs of
 1080 publication, summonses, warrants, and other writs which are
 1081 filed in the case.

1082 (4) Except as provided in subsection (3), all information
 1083 obtained pursuant to this chapter in the discharge of official
 1084 duty by any judge, employee of the court, authorized agent of
 1085 the department, school employee, district superintendent, school
 1086 board employee, or law enforcement agent is confidential and may
 1087 not be disclosed to anyone other than the authorized personnel
 1088 of the court, the department and its designees, school or school
 1089 board personnel, law enforcement agencies, and others entitled
 1090 under this chapter to receive that information, except upon
 1091 order of the court.

1092 Section 7. Section 984.07, Florida Statutes, is amended to
 1093 read:

1094 984.07 Right to counsel; waiver; appointed counsel;
 1095 compensation.—

1096 (1) When a petition is filed alleging that a child is a
 1097 child in need of services or if the child is subject to contempt
 1098 proceedings under s. 984.09, the child must be represented by
 1099 counsel at each court appearance. The court must appoint counsel
 1100 unless the child is not indigent and has counsel present to
 1101 represent the child or the record in that proceeding
 1102 affirmatively demonstrates by clear and convincing evidence that

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1103 the child knowingly and intelligently waived the right to
 1104 counsel after being fully advised by the court of the nature of
 1105 the proceedings and the dispositional alternatives available to
 1106 the court. If the child waives counsel at any proceeding, the
 1107 court shall advise the child with respect to the right to
 1108 counsel at every subsequent hearing.

1109 (2) A child in proceedings under s. 984.151 may have
 1110 counsel appointed by the court if the court determines it is in
 1111 the best interest of the child.

1112 (3) If the court appoints counsel for a child, and if the
 1113 child and his or her parents or legal guardians are indigent and
 1114 unable to employ counsel, the court must appoint an attorney to
 1115 represent the child under s. 27.511. Determination of indigence
 1116 and costs of representation shall be as provided by s. 57.082.
 1117 Legal counsel representing a child who exercises the right to
 1118 counsel may provide advice and counsel to the child at any time
 1119 after appointment.

1120 (4) If the parents or legal guardians of an indigent child
 1121 are not indigent but refuse to employ counsel, the court shall
 1122 appoint counsel pursuant to s. 27.511 to represent the child
 1123 until counsel is provided. Costs of representation must be
 1124 imposed as provided by s. 57.082. Thereafter, the court may not
 1125 appoint counsel for an indigent child with nonindigent parents
 1126 or legal guardian but shall order the parents or legal guardian
 1127 to obtain private counsel.

1128 (a) A parent or legal guardian of an indigent child who has
 1129 been ordered to obtain private counsel for the child and who
 1130 willfully fails to follow the court order shall be punished by
 1131 the court in civil contempt proceedings.

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1132 (b) An indigent child may have counsel appointed pursuant
 1133 to ss. 27.511 and 57.082 if the parents or legal guardian have
 1134 willfully refused to obey the court order to obtain counsel for
 1135 the child and have been punished by civil contempt. Costs of
 1136 representation must be imposed as provided by s. 57.082.

1137 (5) If the court makes a finding that nonindigent parents
 1138 have made a good faith effort to participate in services and
 1139 remediate the child's behavior, but despite their good faith
 1140 efforts, the child's truancy, ungovernable behavior, or runaway
 1141 behavior has persisted, the court may appoint counsel to
 1142 represent the child as provided in s. 27.511.

1143 (6) If counsel is entitled to receive compensation for
 1144 representation pursuant to court appointment in a child in need
 1145 of services proceeding, such compensation may not exceed \$1,000
 1146 at the trial level and \$2,500 at the appellate level.

1147 (7) This section does not preclude the court from
 1148 requesting reimbursement of attorney fees and costs from the
 1149 nonindigent parent or legal guardian.

1150 (8) The court may appoint an attorney to represent a parent
 1151 or legal guardian under this chapter only upon a finding that
 1152 the parent or legal guardian is indigent pursuant to s. 57.082.
 1153 If an attorney is appointed, the parent or legal guardian shall
 1154 be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel~~
 1155 ~~is entitled to receive compensation for representation pursuant~~
 1156 ~~to court appointment in a child in need of services proceeding,~~
 1157 ~~such compensation shall not exceed \$1,000 at the trial level and~~
 1158 ~~\$2,500 at the appellate level.~~

1159 Section 8. Subsection (1) of section 984.071, Florida
 1160 Statutes, is amended, and subsection (3) is added to that

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1161 section, to read:

1162 984.071 Resources and information.—

1163 (1) ~~The department of Juvenile Justice, in collaboration~~
 1164 ~~with the Department of Children and Families and the Department~~
 1165 ~~of Education,~~ shall develop and publish an information guide
 1166 ~~packet~~ that explains the current process under this chapter for
 1167 obtaining assistance for a child in need of services or a family
 1168 in need of services and the community services and resources
 1169 available to parents ~~of troubled or runaway children.~~ The
 1170 information guide shall be published in a written format for
 1171 distribution and shall also be published on the department's
 1172 website. In preparing the information packet, the Department of
 1173 Juvenile Justice shall work with school district
 1174 superintendents, juvenile court judges, county sheriffs, and
 1175 other local law enforcement officials in order to ensure that
 1176 the information packet lists services and resources that are
 1177 currently available within the county in which the packet is
 1178 distributed. Each information guide packet shall be reviewed
 1179 annually and updated as appropriate. The school district shall
 1180 distribute this information guide packet to parents of truant
 1181 children, and to other parents upon request or as deemed
 1182 appropriate by the school district. In addition, the department
 1183 ~~of Juvenile Justice~~ shall distribute the information guide
 1184 ~~packet~~ to state and local law enforcement agencies. Any law
 1185 enforcement officer who has contact with the parent of a child
 1186 who is locked out of the home, who is ungovernable, or who runs
 1187 away from home shall make the information guide available to the
 1188 parent.

1189 (3) The Department of Education and the Department of

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1190 Children and Families must each post the department's
 1191 information guide on their respective websites.

1192 Section 9. Sections 984.08 and 984.085, Florida Statutes,
 1193 are repealed.

1194 Section 10. Section 984.0861, Florida Statutes, is created
 1195 to read:

1196 984.0861 Prohibited use of detention.—A child under the
 1197 jurisdiction of the court solely pursuant to this chapter may
 1198 not be placed in:

1199 (1) Any form of detention care intended for the use of
 1200 alleged juvenile delinquents as authorized under chapter 985 for
 1201 any purpose.

1202 (2) A secure detention facility authorized for use under
 1203 chapter 985 for any purpose.

1204 (3) Any jail or other similar facility used for the purpose
 1205 of detention or confinement of adults for any purpose.

1206 Section 11. Section 984.09, Florida Statutes, is amended to
 1207 read:

1208 984.09 Punishment for contempt of court; alternative
 1209 sanctions.—

1210 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
 1211 punish any child for contempt for interfering with the court or
 1212 with court administration, or for violating any provision of
 1213 this chapter or order of the court relative thereto. It is the
 1214 intent of the Legislature that the court restrict and limit the
 1215 use of contempt powers and prohibit the use of detention care
 1216 and secure detention facilities as provided in s. 984.0861 with
 1217 ~~respect to commitment of a child to a secure facility.~~ A child
 1218 who commits direct contempt of court or indirect contempt of a

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1219 valid court order may be taken into custody and ordered to serve
 1220 an alternative sanction or placed in a shelter ~~secure~~ facility,
 1221 as authorized in this section, by order of the court.

1222 (2) ~~PLACEMENT IN A SHELTER SECURE FACILITY.~~—A child
 1223 adjudicated as a child in need of services may only be placed in
 1224 a shelter ~~secure~~ facility for purposes of punishment for
 1225 contempt of court if alternative sanctions are unavailable or
 1226 inappropriate, or if the child has already been ordered to serve
 1227 an alternative sanction but failed to comply with the sanction.

1228 ~~(a) A delinquent child who has been held in direct or~~
 1229 ~~indirect contempt may be placed in a secure detention facility~~
 1230 ~~for 5 days for a first offense or 15 days for a second or~~
 1231 ~~subsequent offense, or in a secure residential commitment~~
 1232 ~~facility.~~

1233 (a)(b) A child in need of services who has been held in
 1234 direct contempt or indirect contempt may be placed, for 5 days
 1235 for a first offense or 15 days for a second or subsequent
 1236 offense, in a staff-secure shelter operated by or contracted
 1237 with the department to provide such services ~~or a staff-secure~~
 1238 ~~residential facility solely for children in need of services if~~
 1239 ~~such placement is available, or, if such placement is not~~
 1240 ~~available, the child may be placed in an appropriate mental~~
 1241 ~~health facility or substance abuse facility for assessment.~~ In
 1242 addition to disposition under this paragraph, a child in need of
 1243 services who is held in direct contempt or indirect contempt may
 1244 be placed in a physically secure shelter setting as provided
 1245 under s. 984.226 if conditions of eligibility are met.

1246 (b) A child subject to proceedings under s. 984.151 who has
 1247 been held in direct contempt or indirect contempt may only be

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1248 placed, for 5 days for a first offense or 15 days for a second
 1249 or subsequent offense, in a shelter operated by or contracted
 1250 with the department for such services if a shelter bed is
 1251 available. Upon a second or subsequent finding of contempt under
 1252 this section, the court must refer the child to the case
 1253 staffing committee with a recommendation to file a child in need
 1254 of services petition.

1255 (c) Any shelter placement ordered under this section must
 1256 be given as a cumulative sanction. Separate sanctions for the
 1257 same act or series of acts within the same episode may not be
 1258 imposed.

1259 (3) ~~ALTERNATIVE SANCTIONS.~~—Each judicial circuit shall have
 1260 an alternative sanctions coordinator who shall serve under the
 1261 chief administrative judge of the juvenile division of the
 1262 circuit court, and who shall coordinate and maintain a spectrum
 1263 of ~~contempt sanction alternatives in conjunction with the~~
 1264 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
 1265 Upon determining that a child has committed direct contempt of
 1266 court or indirect contempt of a valid court order, the court may
 1267 immediately request the circuit alternative sanctions
 1268 coordinator to recommend the most appropriate available
 1269 alternative sanction and shall order the child to perform up to
 1270 50 hours of community-service ~~manual labor~~ or a similar
 1271 alternative sanction, unless an alternative sanction is
 1272 unavailable or inappropriate, or unless the child has failed to
 1273 comply with a prior alternative sanction. Alternative contempt
 1274 sanctions may be provided by local industry or by any nonprofit
 1275 organization or any public or private business or service entity
 1276 that has entered into a contract with the department ~~of Juvenile~~

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1277 ~~Justice~~ to act as an agent of the state to provide voluntary
 1278 supervision of children on behalf of the state in exchange for
 1279 the ~~manual~~ labor of children and limited immunity in accordance
 1280 with s. 768.28(11).

1281 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 1282 PROCESS.—

1283 (a) If a child subject to proceedings under this chapter is
 1284 charged with direct contempt of court, ~~including traffic court,~~
 1285 the court may impose an authorized sanction immediately.

1286 (b) If a child subject to proceedings under this chapter is
 1287 charged with indirect contempt of court, the court must issue an
 1288 order to show cause and schedule ~~hold~~ a hearing within 24 hours
 1289 to determine whether the child committed indirect contempt of a
 1290 valid court order. The child must be served with the order to
 1291 show cause and notice of hearing. At the hearing, the following
 1292 due process rights must be provided to the child:

1293 1. Right to a copy of the order to show cause alleging
 1294 facts supporting the contempt charge.

1295 2. Right to an explanation of the nature and the
 1296 consequences of the proceedings.

1297 3. Right to legal counsel and the right to have legal
 1298 counsel appointed by the court if the juvenile is indigent,
 1299 pursuant to s. 984.07 ~~s. 985.033~~.

1300 4. Right to confront witnesses.

1301 5. Right to present witnesses.

1302 6. Right to have a transcript or record of the proceeding.

1303 7. Right to appeal to an appropriate court.

1304

1305 The child's parent, legal ~~or~~ guardian, or custodian may address

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1306 the court regarding the due process rights of the child. If
 1307 after the hearing, the court determines the child has committed
 1308 indirect contempt of a valid court order, the court may impose
 1309 an alternative sanction or may proceed under subsection (2). If
 1310 the court orders shelter placement of a child found in contempt
 1311 of court, the court shall review the matter ~~placement of the~~
 1312 ~~child~~ every 72 hours to determine whether it is appropriate for
 1313 the child to remain in the facility.

1314 (c) The court may not order that a child be placed in a
 1315 shelter ~~secure~~ facility for punishment for contempt unless the
 1316 court determines that an alternative sanction is inappropriate
 1317 or unavailable or that the child was initially ordered to an
 1318 alternative sanction and did not comply with the alternative
 1319 sanction. The court is encouraged to order a child to perform
 1320 community service, up to the maximum number of hours, where
 1321 appropriate before ordering that the child be placed in a
 1322 shelter ~~secure~~ facility as punishment for contempt of court.

1323 ~~(d) In addition to any other sanction imposed under this~~
 1324 ~~section, the court may direct the Department of Highway Safety~~
 1325 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
 1326 ~~child's driver license or driving privilege. The court may order~~
 1327 ~~that a child's driver license or driving privilege be withheld~~
 1328 ~~or suspended for up to 1 year for a first offense of contempt~~
 1329 ~~and up to 2 years for a second or subsequent offense. If the~~
 1330 ~~child's driver license or driving privilege is suspended or~~
 1331 ~~revoked for any reason at the time the sanction for contempt is~~
 1332 ~~imposed, the court shall extend the period of suspension or~~
 1333 ~~revocation by the additional period ordered under this~~
 1334 ~~paragraph. If the child's driver license is being withheld at~~

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1335 the time the sanction for contempt is imposed, the period of
 1336 suspension or revocation ordered under this paragraph shall
 1337 begin on the date on which the child is otherwise eligible to
 1338 drive. For a child in need of services whose driver license or
 1339 driving privilege is suspended under this paragraph, the court
 1340 may direct the Department of Highway Safety and Motor Vehicles
 1341 to issue the child a license for driving privileges restricted
 1342 to business or employment purposes only, as defined in s.
 1343 322.271, or for the purpose of completing court-ordered
 1344 community service, if the child is otherwise qualified for a
 1345 license. However, the department may not issue a restricted
 1346 license unless specifically ordered to do so by the court.

1347 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the
 1348 position of alternative sanctions coordinator within each
 1349 judicial circuit, pursuant to subsection (3). Each alternative
 1350 sanctions coordinator shall serve under the direction of the
 1351 chief administrative judge of the juvenile division as directed
 1352 by the chief judge of the circuit. The alternative sanctions
 1353 coordinator shall act as the liaison between the judiciary,
 1354 local department officials, district school board employees, and
 1355 local law enforcement agencies. The alternative sanctions
 1356 coordinator shall coordinate within the circuit community-based
 1357 alternative sanctions, including ~~nonsecure detention programs,~~
 1358 community service projects, ~~and other juvenile sanctions, in~~
 1359 ~~conjunction with the circuit plan implemented in accordance with~~
 1360 ~~s. 790.22(4)(c).~~

1361 Section 12. Section 984.10, Florida Statutes, is amended to
 1362 read:

1363 984.10 Intake.—

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1364 (1) Intake shall be performed by the department or the
 1365 department's authorized agent. A report ~~or complaint~~ alleging
 1366 that a child is from a family in need of services shall be made
 1367 to the intake office operating in the county in which the child
 1368 is found or in which the case arose. Any person or agency,
 1369 including, but not limited to, the parent, ~~or~~ legal guardian, or
 1370 custodian, the local school district, a law enforcement agency,
 1371 or the Department of Children and Families, having knowledge of
 1372 the facts may make a report ~~or complaint~~.

1373 (2) A representative of the department shall make a
 1374 preliminary determination as to whether the report ~~or complaint~~
 1375 is complete. The criteria for the completeness of a report ~~or~~
 1376 ~~complaint~~ with respect to a child alleged to be from a family in
 1377 need of services while subject to compulsory school attendance
 1378 shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in
 1379 which the representative of the department finds that the report
 1380 ~~or complaint~~ is incomplete, the representative of the department
 1381 shall return the report ~~or complaint~~ without delay to the person
 1382 or agency originating the report ~~or complaint~~ or having
 1383 knowledge of the facts or to the appropriate law enforcement
 1384 agency having investigative jurisdiction and request additional
 1385 information in order to complete the report ~~or complaint~~.

1386 (3) If the representative of the department determines that
 1387 in his or her judgment the interests of the family, the child,
 1388 and the public will be best served by providing the family and
 1389 child services and treatment voluntarily accepted by the child
 1390 and the parents, ~~or~~ legal guardians, or custodians, the
 1391 department's ~~departmental~~ representative may refer the family or
 1392 child to an appropriate service ~~and treatment~~ provider. As part

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1393 of the intake procedure, the department's departmental
 1394 representative shall inform the parent, ~~or~~ legal ~~custodian~~
 1395 guardian, or custodian, in writing, of the services currently
 1396 ~~and treatment~~ available to the child and family by department
 1397 providers and other ~~or~~ community agencies in the county in which
 1398 the family is located, and the rights and responsibilities of
 1399 the parent, ~~or~~ legal guardian, or custodian under this chapter.
 1400 Upon admission, and depending on services, a staff member may be
 1401 assigned to the family as deemed appropriate.

1402 (4) If the department reasonably believes ~~has reasonable~~
 1403 ~~grounds to believe~~ that the child has been abandoned, abused, or
 1404 neglected, it shall proceed pursuant to ~~the provisions of~~
 1405 chapter 39 and report immediately to the central abuse hotline.

1406 Section 13. Section 984.11, Florida Statutes, is amended to
 1407 read:

1408 984.11 Services to families ~~in need of services~~.—

1409 (1) The department or its authorized agent shall provide an
 1410 array of voluntary family services aimed at remediating school
 1411 truancy, homelessness, and runaway and ungovernable behavior by
 1412 children. Services and treatment to families in need of services
 1413 shall be by voluntary agreement of the parent, ~~or~~ legal
 1414 guardian, or custodian and the child ~~or as directed by a court~~
 1415 ~~order pursuant to s. 984.22~~.

1416 (2) A family is not eligible to receive voluntary family
 1417 services, if, at the time of the referral, the child is under
 1418 court-ordered supervision by the department for delinquency
 1419 under chapter 985 or by the Department of Children and Families
 1420 due to a finding of dependency under chapter 39. A child who has
 1421 received a prearrest delinquency citation, or is receiving

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1422 delinquency diversion services, may receive voluntary family
 1423 services.

1424 (3) If there is a pending investigation into an allegation
 1425 of abuse, neglect or abandonment, the child may be eligible for
 1426 voluntary family services if the Department of Children and
 1427 Families agrees to the provision of services and makes a
 1428 referral. An interagency agreement between the department and
 1429 the Department of Children and Families shall govern this
 1430 referral process, which is contingent on available funding. The
 1431 department must notify the Department of Children and Families
 1432 if a referral is declined.

1433 (4) ~~(2)~~ These services may include, but need not be limited
 1434 to:

- 1435 (a) ~~Homemaker~~ ~~or~~ Parent aide services.
- 1436 (b) Intensive crisis counseling.
- 1437 (c) Parent training.
- 1438 (d) Individual, group, or family counseling.
- 1439 (e) Referral to community mental health services.
- 1440 (f) Prevention and diversion services.
- 1441 (g) Services provided by voluntary or community agencies.
- 1442 (h) Runaway center services.
- 1443 (i) Runaway shelter ~~Housekeeper~~ services.
- 1444 (j) Referral for special educational, tutorial, or remedial
 1445 services.
- 1446 (k) Referral to vocational, career development ~~job~~
 1447 ~~training~~, or employment services.
- 1448 (l) Recreational services.
- 1449 (m) Assessment.
- 1450 (n) Case management.

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1451 (o) Referral for or provision of substance abuse assessment
 1452 or treatment.

1453 ~~(5)(3)~~ The department shall advise the parents, ~~or~~ legal
 1454 guardian, or custodian that they are responsible for
 1455 contributing to the cost of the ~~child or family~~ services and
 1456 ~~treatment~~ to the extent of their ability to pay. The parent is
 1457 responsible for using health care insurance to the extent it is
 1458 available for the provision of health services ~~The department~~
 1459 ~~shall set and charge fees for services and treatment provided to~~
 1460 ~~clients. The department may employ a collection agency for the~~
 1461 ~~purpose of receiving, collecting, and managing the payment of~~
 1462 ~~unpaid and delinquent fees. The collection agency must be~~
 1463 ~~registered and in good standing under chapter 559. The~~
 1464 ~~department may pay to the collection agency a fee from the~~
 1465 ~~amount collected under the claim or may authorize the agency to~~
 1466 ~~deduct the fee from the amount collected.~~

1467 ~~(4) The department may file a petition with the circuit~~
 1468 ~~court to enforce the collection of fees for services and~~
 1469 ~~treatment rendered to the child or the parent and other legal~~
 1470 ~~eustodians.~~

1471 Section 14. Section 984.12, Florida Statutes, is amended to
 1472 read:

1473 984.12 Case staffing; services and treatment related to a
 1474 family in need of services.—

1475 (1) The appropriate representative of the department shall
 1476 request a meeting of the family and child with a case staffing
 1477 committee to review the case of any family or child who the
 1478 department determines is in need of services ~~or treatment~~ if:

1479 (a) The family or child is not in agreement with the

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1480 services or treatment offered;

1481 (b) The family or child will not participate in the
 1482 services or treatment selected; or

1483 (c) The representative of the department needs assistance
 1484 in developing an appropriate plan for services. The time and
 1485 place selected for the meeting shall be convenient for the child
 1486 and family.

1487 (2) The composition of the case staffing committee shall be
 1488 based on the needs of the family and child. It shall include a
 1489 representative from the child's school district and a
 1490 representative of the department ~~of Juvenile Justice~~, and may
 1491 include the department's authorized agent and a supervisor of
 1492 the department's contracted provider; a representative from the
 1493 area of health, mental health, substance abuse, or social, ~~or~~
 1494 ~~educational~~ services; a representative of the state attorney; a
 1495 representative of law enforcement ~~the alternative sanctions~~
 1496 ~~coordinator~~; and any person recommended by the child, family, or
 1497 department. The child and the child's parent, legal guardian, or
 1498 custodian must be invited to attend the committee meeting.

1499 (3) The case staffing committee shall:

1500 (a) Identify the family's concerns and contributing
 1501 factors.

1502 (b) Request the family and child to identify their needs
 1503 and concerns.

1504 (c) Seek input from the school district and any other
 1505 persons in attendance with knowledge of the family or child's
 1506 situation and concerns.

1507 (d) Consider the voluntary family services or other
 1508 community services that have been offered and the results of

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1509 those services.

1510 (e) Identify whether truancy is a concern and evaluate
 1511 compliance with the remedial strategies provided pursuant to s.
 1512 1003.26.

1513 (f) Reach a timely decision to provide the child or family
 1514 with ~~needed~~ services and recommend any appropriate and treatment
 1515 through the development of a plan for services.

1516 (4) The plan for services shall contain the following:

1517 (a) Statement of the concerns ~~problems~~.

1518 (b) Needs of the child.

1519 (c) Needs of the parents, legal guardian, or ~~legal~~
 1520 custodian.

1521 (d) Measurable objectives that address the identified
 1522 problems and needs.

1523 (e) Services and treatment to be provided, to include:

1524 1. Type of services or treatment.

1525 2. Frequency of services or treatment.

1526 3. Location.

1527 4. Accountable service providers or staff.

1528 (f) Timeframes for achieving objectives.

1529 (5) Upon receipt of the plan, the child and family shall
 1530 acknowledge their position by accepting or rejecting the
 1531 services and provisions in writing. If the plan is accepted, it
 1532 shall be implemented as soon as is practicable.

1533 (6) The assigned case manager shall have responsibility A
 1534 case manager shall be designated by the case staffing committee
 1535 to be responsible for implementing the plan. The department's
 1536 authorized agent ~~case manager~~ shall periodically review the
 1537 progress towards achieving the objectives of the plan in order

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1538 to:

1539 (a) Advise the case staffing committee of the need to make
 1540 adjustments to the plan; ~~or~~

1541 (b) Recommend a child in need of services petition be filed
 1542 by the department; or

1543 (c) ~~(b)~~ Terminate the case as indicated by successful or
 1544 substantial achievement of the objectives of the plan.

1545 (7) The parent, legal guardian, or ~~legal~~ custodian may
 1546 convene a meeting of the case staffing committee, ~~and any other~~
 1547 ~~member of the committee may convene a meeting if the member~~
 1548 ~~finds that doing so is in the best interest of the family or~~
 1549 ~~child. A case staffing committee meeting requested by a parent,~~
 1550 guardian, or legal custodian must be convened within 7 days,
 1551 excluding weekends and legal holidays, after the date the
 1552 department's representative receives the request in writing.

1553 (8) Any other member of the committee may convene a meeting
 1554 if voluntary family services have been offered and the services
 1555 have been rejected by the child or family, or the child has not
 1556 made measurable progress toward achieving the service plan
 1557 goals, and the member finds that doing so is in the best
 1558 interest of the family or child.

1559 (9) A case staffing committee meeting must be convened
 1560 within 30 days after the date the case is referred by the court
 1561 pursuant to s. 984.151.

1562 (10) ~~(8)~~ Within 7 days after meeting, the case staffing
 1563 committee shall provide the parent, legal guardian, or ~~legal~~
 1564 custodian with a written report that details the reasons for the
 1565 committee's decision to recommend, or decline to recommend, that
 1566 the department file a petition alleging that the child is a

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1567 child in need of services.

1568 (11) The case staffing committee may reconvene from time to
 1569 time as may be necessary to make adjustments to the plan.

1570 Section 15. Section 984.13, Florida Statutes, is amended to
 1571 read:

1572 984.13 Taking a child into custody ~~a child alleged to be~~
 1573 ~~from a family in need of services or to be a child in need of~~
 1574 ~~services.~~

1575 (1) A child may be taken into custody:

1576 (a) By a law enforcement officer when the officer
 1577 reasonably believes has reasonable grounds to believe that the
 1578 child has run away from his or her parents, legal guardian, or
 1579 ~~other legal~~ custodian.

1580 (b) By a designated school representative pursuant to s.
 1581 1003.26(3) or a law enforcement officer when the officer
 1582 reasonably believes has reasonable grounds to believe that the
 1583 child is absent from school without authorization or is
 1584 suspended or expelled and is not in the presence of his or her
 1585 parent, ~~or~~ legal guardian, or custodian, for the purpose of
 1586 delivering the child without unreasonable delay to the
 1587 appropriate school system site. For the purpose of this
 1588 paragraph, "school system site" includes, but is not limited to,
 1589 a center approved by the superintendent of schools for the
 1590 purpose of counseling students and referring them back to the
 1591 school system or an approved alternative to a suspension or
 1592 expulsion program. If a student is suspended or expelled from
 1593 school without assignment to an alternative school placement,
 1594 the law enforcement officer or designated school representative
 1595 pursuant to s. 1003.26(3) shall deliver the child to the parent,

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1596 ~~or~~ legal guardian, or custodian, to a location determined by the
 1597 parent, legal ~~or~~ guardian, or custodian, or to a designated
 1598 truancy interdiction site until the parent or guardian can be
 1599 located.

1600 (c) Pursuant to an order of the circuit court based upon
 1601 sworn testimony ~~before or~~ after a child in need of services
 1602 petition is filed under s. 984.15.

1603 (d) Pursuant to an order of the circuit court based upon a
 1604 finding of contempt under this chapter for the purpose of
 1605 delivering the child to a designated shelter facility.

1606 ~~(e)(d)~~ By a law enforcement officer when the child
 1607 voluntarily agrees to or requests services pursuant to this
 1608 chapter or placement in a shelter.

1609 (2) The person taking the child into custody shall:

1610 (a) Release the child to a parent, legal guardian, legal
 1611 custodian, or responsible adult relative and make a full written
 1612 report to the department's authorized agent for families in need
 1613 of services within 3 days after release or to a department-
 1614 approved family in need of services and child in need of
 1615 services provider if the person taking the child into custody
 1616 reasonably believes has reasonable grounds to believe the child
 1617 has run away from a parent, legal guardian, or ~~legal~~ custodian;
 1618 is truant; or is ungovernable and beyond the control of the
 1619 parent, guardian, or legal custodian; ~~following such release,~~
 1620 ~~the person taking the child into custody shall make a full~~
 1621 ~~written report to the intake office of the department within 3~~
 1622 ~~days; or~~

1623 (b) Deliver the child to a shelter when: the department,
 1624 ~~stating the facts by reason of which the child was taken into~~

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1625 ~~custody and sufficient information to establish probable cause~~
 1626 ~~that the child is from a family in need of services.~~

1627 1. The parent, legal guardian, or custodian is unavailable
 1628 to take immediate custody of the child;

1629 2. The child requested voluntary family services and
 1630 shelter placement;

1631 3. A court order under this chapter for shelter placement
 1632 has been issued; or

1633 4. The child and the parent, legal guardian, or custodian
 1634 voluntarily agree the child is in need of temporary shelter
 1635 placement and such placement is necessary to provide a safe
 1636 place for the child to remain until the parents and child can
 1637 agree on conditions for the child's safe return home.

1638 (c) Deliver the child to a hospital for necessary
 1639 evaluation and treatment if the child is reasonably believed to
 1640 be suffering from a serious physical condition which requires
 1641 either prompt diagnosis or treatment.

1642 (d) Deliver the child to a designated public receiving
 1643 facility as defined in s. 394.455 for examination under s.
 1644 394.463 if the child is reasonably believed to be mentally ill,
 1645 including immediate threat of suicide as provided in s.
 1646 394.463(1).

1647 (e) Deliver the child to a hospital, addictions receiving
 1648 facility, or treatment resource if the child is reasonably
 1649 believed to be intoxicated and has threatened, attempted, or
 1650 inflicted physical harm on himself or herself or another, or is
 1651 incapacitated by substance abuse.

1652 (3) If the child is taken into custody and by, or is
 1653 delivered to a shelter, the department, the department's

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1654 ~~authorized agent appropriate representative of the department~~
 1655 ~~shall review the facts and make such further inquiry as~~
 1656 ~~necessary to determine whether the child shall remain in~~
 1657 ~~shelter, receive voluntary family services that would allow the~~
 1658 ~~child alleged to be from a family in need of services to remain~~
 1659 ~~at home, custody or be released. Unless shelter is required as~~
 1660 ~~provided in s. 984.14(1), the department shall:~~

1661 ~~(a) Release the child to his or her parent, guardian, or~~
 1662 ~~legal custodian, to a responsible adult relative, to a~~
 1663 ~~responsible adult approved by the department, or to a~~
 1664 ~~department-approved family in need of services and child in-~~
 1665 ~~need of services provider; or~~

1666 ~~(b) Authorize temporary services and treatment that would~~
 1667 ~~allow the child alleged to be from a family in need of services~~
 1668 ~~to remain at home.~~

1669 Section 16. Section 984.14, Florida Statutes, is amended to
 1670 read:

1671 984.14 Voluntary shelter services placement; hearing.-

1672 (1) Temporary voluntary shelter services provided by the
 1673 department shall provide a safe environment with 24-hour care
 1674 and supervision, referrals for services as needed, and education
 1675 at the center or offsite and counseling services for children.
 1676 ~~Unless ordered by the court pursuant to the provisions of this~~
 1677 ~~chapter, or upon voluntary consent to placement by the child and~~
 1678 ~~the child's parent, legal guardian, or custodian, a child taken~~
 1679 ~~into custody shall not be placed in a shelter prior to a court~~
 1680 ~~hearing unless a determination has been made that the provision~~
 1681 ~~of appropriate and available services will not eliminate the~~
 1682 ~~need for placement and that such placement is required:~~

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1683 ~~(a) To provide an opportunity for the child and family to~~
 1684 ~~agree upon conditions for the child's return home, when~~
 1685 ~~immediate placement in the home would result in a substantial~~
 1686 ~~likelihood that the child and family would not reach an~~
 1687 ~~agreement; or~~

1688 ~~(b) Because a parent, custodian, or guardian is unavailable~~
 1689 ~~to take immediate custody of the child.~~

1690 (2) If a child is sheltered due to being a runaway, or a
 1691 parent, legal guardian, or custodian is unavailable, the shelter
 1692 shall immediately attempt to make contact with the parent, legal
 1693 guardian, or custodian to advise the family of the child's
 1694 whereabouts, determine whether the child can safely return home,
 1695 or determine whether the family is seeking temporary voluntary
 1696 shelter services until they can arrange to take the child home.
 1697 If the parent, legal guardian, or custodian cannot be located
 1698 within 24 hours, the Department of Children and Families shall
 1699 be contacted to assume custody of the child ~~If the department~~
 1700 ~~determines that placement in a shelter is necessary according to~~
 1701 ~~the provisions of subsection (1), the departmental~~
 1702 ~~representative shall authorize placement of the child in a~~
 1703 ~~shelter provided by the community specifically for runaways and~~
 1704 ~~troubled youth who are children in need of services or members~~
 1705 ~~of families in need of services and shall immediately notify the~~
 1706 ~~parents or legal custodians that the child was taken into~~
 1707 ~~custody.~~

1708 ~~(3) A child who is involuntarily placed in a shelter shall~~
 1709 ~~be given a shelter hearing within 24 hours after being taken~~
 1710 ~~into custody to determine whether shelter placement is required.~~
 1711 ~~The shelter petition filed with the court shall address each~~

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1712 ~~condition required to be determined in subsection (1).~~

1713 ~~(4) A child may not be held involuntarily in a shelter~~
 1714 ~~longer than 24 hours unless an order so directing is made by the~~
 1715 ~~court after a shelter hearing finding that placement in a~~
 1716 ~~shelter is necessary based on the criteria in subsection (1) and~~
 1717 ~~that the department has made reasonable efforts to prevent or~~
 1718 ~~eliminate the need for removal of the child from the home.~~

1719 ~~(5) Except as provided under s. 984.225, a child in need of~~
 1720 ~~services or a child from a family in need of services may not be~~
 1721 ~~placed in a shelter for longer than 35 days.~~

1722 ~~(6) When any child is placed in a shelter pursuant to court~~
 1723 ~~order following a shelter hearing, the court shall order the~~
 1724 ~~natural or adoptive parents of such child, the natural father of~~
 1725 ~~such child born out of wedlock who has acknowledged his~~
 1726 ~~paternity in writing before the court, or the guardian of such~~
 1727 ~~child's estate, if possessed of assets which under law may be~~
 1728 ~~disbursed for the care, support, and maintenance of the child,~~
 1729 ~~to pay, to the department, fees as established by the~~
 1730 ~~department. When the order affects the guardianship estate, a~~
 1731 ~~certified copy of the order shall be delivered to the judge~~
 1732 ~~having jurisdiction of the guardianship estate.~~

1733 ~~(7) A child who is adjudicated a child in need of services~~
 1734 ~~or alleged to be from a family in need of services or a child in~~
 1735 ~~need of services may not be placed in a secure detention~~
 1736 ~~facility or jail or any other commitment program for delinquent~~
 1737 ~~children under any circumstances.~~

1738 ~~(8) The court may order the placement of a child in need of~~
 1739 ~~services into a staff secure facility for no longer than 5 days~~
 1740 ~~for the purpose of evaluation and assessment.~~

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1741 Section 17. Section 984.15, Florida Statutes, is amended to
1742 read:

1743 984.15 Petition for a child in need of services.—

1744 (1) All proceedings seeking an adjudication that a child is
1745 a child in need of services shall be initiated by the filing of
1746 a petition by an attorney representing the department or by the
1747 child's parent, legal guardian, or legal custodian. ~~If a child~~
1748 ~~in need of services has been placed in a shelter pursuant to s.~~
1749 ~~984.14, the department shall file the petition immediately,~~
1750 ~~including in the petition notice of arraignment pursuant to s.~~
1751 ~~984.20.~~

1752 (2) (a) The department shall file a petition for a child in
1753 need of services if the child meets the definition of a child in
1754 need of services, and the case manager or staffing committee
1755 recommends requests that a petition be filed and:

1756 1. The family and child have in good faith, but
1757 unsuccessfully, used the services and process described in ss.
1758 984.11 and 984.12; or

1759 2. The family or child have refused ~~all~~ services described
1760 in ss. 984.11 and 984.12 after reasonable efforts by the
1761 department to involve the family and child in voluntary family
1762 services and treatment.

1763 (b) Once the requirements in paragraph (a) have been met,
1764 the department shall file a petition for a child in need of
1765 services as soon as practicable ~~within 45 days~~.

1766 (c) The petition shall be in writing, shall state the
1767 specific grounds ~~under s. 984.03(9)~~ by which the child is
1768 designated a child in need of services, and shall certify that
1769 the conditions prescribed in paragraph (a) have been met. The

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1770 petition shall be signed by the petitioner under oath stating
1771 good faith in filing the petition and shall be signed by an
1772 attorney for the department.

1773 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may
1774 file a petition alleging that a child is a child in need of
1775 services if:

1776 1. The department waives the requirement for a case
1777 staffing committee.

1778 2. The department fails to convene a meeting of the case
1779 staffing committee within 7 days, excluding weekends and legal
1780 holidays, after receiving a written request for such a meeting
1781 from the child's parent, legal guardian, or ~~legal~~ custodian.

1782 3. The parent, legal guardian, or ~~legal~~ custodian does not
1783 agree with the plan for services offered by the case staffing
1784 committee.

1785 4. The department fails to provide a written report within
1786 7 days after the case staffing committee meets, as required
1787 under s. 984.12(10) ~~s. 984.12(8)~~.

1788 (b) The parent, legal guardian, or ~~legal~~ custodian must
1789 give the department prior written notice of intent to file the
1790 petition. If, at the arraignment hearing, the court finds that
1791 such written notice of intent to file the petition was not
1792 provided to the department, the court shall dismiss the
1793 petition, postpone the hearing until such written notice is
1794 given, or, if the department agrees, proceed with the
1795 arraignment hearing. The petition must be served on the
1796 department's office of general counsel.

1797 (c) The petition must be in writing and must set forth
1798 specific facts alleging that the child is a child in need of

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1799 services ~~as defined in s. 984.03(9)~~. The petition must also
 1800 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
 1801 has in good faith, but unsuccessfully, participated in the
 1802 services and processes described in ss. 984.11 and 984.12.

1803 ~~(4)(d)~~ The petition must be signed by the petitioner under
 1804 oath.

1805 ~~(5)(e)~~ The court, on its own motion or the motion of any
 1806 party or the department, shall determine the legal sufficiency
 1807 of a petition filed under this subsection and may dismiss any
 1808 petition that lacks sufficient grounds. In addition, the court
 1809 shall verify that the child is not:

1810 ~~(a)1-~~ The subject of a pending investigation into an
 1811 allegation or suspicion of abuse, neglect, or abandonment;

1812 ~~(b)2-~~ The subject of a pending petition ~~referral~~ alleging
 1813 that the child is delinquent; or

1814 ~~(c)3-~~ Under the current supervision of the department or
 1815 the Department of Children and Families for an adjudication or
 1816 withholding of adjudication of delinquency or dependency.

1817 ~~(6)(4)~~ The form of the petition and any additional contents
 1818 shall be determined by rules of procedure adopted by the Supreme
 1819 Court.

1820 ~~(7)(5)~~ The petitioner ~~department or the parent, guardian,~~
 1821 ~~or legal custodian~~ may withdraw a petition at any time before
 1822 ~~prior to~~ the child is being adjudicated a child in need of
 1823 services.

1824 Section 18. Section 984.151, Florida Statutes, is amended
 1825 to read:

1826 984.151 Early truancy intervention; truancy petition;
 1827 judgment prosecution; disposition.-

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1828 (1) If the school determines that a student subject to
 1829 compulsory school attendance has had at least five unexcused
 1830 absences, or absences for which the reasons are unknown, within
 1831 a calendar month or 10 unexcused absences, or absences for which
 1832 the reasons are unknown, within a 90-calendar-day period
 1833 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
 1834 absences in a 90-calendar-day period, the superintendent of
 1835 schools or his or her designee may file a truancy petition
 1836 seeking early truancy intervention.

1837 (2) The petition shall be filed in the circuit in which the
 1838 student is enrolled in school.

1839 (3) Original jurisdiction to hear a truancy petition shall
 1840 be in the circuit court; however, the circuit court may use a
 1841 general or special magistrate ~~master~~ pursuant to Supreme Court
 1842 rules. Upon the filing of the petition, the clerk shall issue a
 1843 summons to the parent, legal guardian, or ~~legal~~ custodian of the
 1844 student, directing that person and the student to appear for a
 1845 hearing at a time and place specified.

1846 (4) The petition must contain the following: the name, age,
 1847 and address of the student; the name and address of the
 1848 student's parent or guardian; the school where the student is
 1849 enrolled; the efforts the school has made to get the student to
 1850 attend school in compliance with s. 1003.26; the number of out-
 1851 of-school contacts between the school system and student's
 1852 parent or guardian; and the number of days and dates of days the
 1853 student has missed school. The petition shall be sworn to by the
 1854 superintendent or his or her designee.

1855 (5) Once the petition is filed, the court shall hear the
 1856 petition within 30 days.

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1857 (6) The student and the student's parent or guardian shall
1858 attend the hearing.

1859 (7) If the court determines that the student did miss any
1860 of the alleged days, the court shall enter an order finding the
1861 child to be a truant status offender and the court shall order
1862 the student to attend school and order the parent, legal
1863 guardian, or custodian to ensure that the student attends
1864 school. The court's power under this subsection is limited to
1865 entering orders to require the student to attend school and
1866 require the student and family to participate in services to
1867 encourage regular school attendance. The court, and may order
1868 any of the following services:

1869 (a) The student to participate in alternative sanctions to
1870 include mandatory attendance at alternative classes; to be
1871 followed by mandatory community services hours for a period up
1872 to 6 months; the student and

1873 (b) The student's parent, legal or guardian, or custodian
1874 to participate in parenting classes ~~homemaker or parent aide~~
1875 ~~services;~~

1876 (c) The student or the student's parent, legal or guardian
1877 or custodian to participate in individual, group, or family
1878 ~~intensive crisis~~ counseling;

1879 (d) The student or the student's parent, legal or guardian
1880 or custodian to participate in community mental health services
1881 or substance abuse treatment services if available and
1882 applicable;

1883 (e) The student and the student's parent, legal or
1884 guardian, or custodian to participate in services ~~service~~
1885 provided by state or community ~~voluntary or community~~ agencies,

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1886 if appropriate as available, including services for families in
1887 need of services as provided in s. 984.11;

1888 (f) The student and the student's parent, legal guardian,
1889 or custodian to attend meetings with school officials to address
1890 the child's educational needs, classroom assignment, class
1891 schedule, and other barriers to school attendance identified by
1892 the child's school, the child or his or her family;

1893 (g) The student and the student's parent, legal guardian,
1894 or custodian to engage in learning activities provided by the
1895 school board as to why education is important and the potential
1896 impact on the child's future employment and education options if
1897 the attendance problem persists; or

1898 (h) ~~and~~ The student or the student's parent, legal or
1899 guardian, or custodian to participate in vocational or job
1900 training, ~~or employment services.~~

1901 (8) If the student does not substantially comply with
1902 compulsory school attendance and court-ordered services required
1903 under ~~successfully complete the sanctions ordered in~~ subsection
1904 (7), and the child meets the definition of a child in need of
1905 services, the case shall be referred by the court to the
1906 department's authorized agent for review by the case staffing
1907 committee under s. 984.12 with a recommendation to file a
1908 petition for child in need of services ~~child-in-need-of-services~~
1909 ~~petition~~ under s. 984.15. The court shall review the case not
1910 less than every 45 days to determine whether the child is in
1911 substantial compliance with compulsory education or if the case
1912 should be referred to the case staffing committee in accord with
1913 this subsection.

1914 (9) If the student substantially complies with compulsory

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1915 school attendance the court shall close the truancy case.

1916 (10) If the child is adjudicated a child in need of
 1917 services pursuant to s. 984.21, the truancy case shall be closed
 1918 and jurisdiction relinquished in accordance with s. 984.04.

1919 (11) The court may retain jurisdiction of any case in which
 1920 the child is noncompliant with compulsory education and the
 1921 child does not meet the definition of a child in need of
 1922 services under this chapter until jurisdiction lapses pursuant
 1923 to s. 984.04.

1924 (12) The court may not order a child placed in shelter
 1925 pursuant to this section unless the court has found the child to
 1926 be in contempt for violation of a court order under s. 984.09.

1927 (13)(9) The parent, legal guardian, or legal custodian and
 1928 the student shall participate, as required by court order, in
 1929 any sanctions or services required by the court under this
 1930 section, and the court shall enforce such participation through
 1931 its contempt power.

1932 (14) Any truant student that meets the definition of a
 1933 child in need of services and who has been found in contempt for
 1934 violation of a court order under s. 984.09 two or more times
 1935 shall be referred to the case staffing committee under s. 984.12
 1936 with a recommendation to file a petition for a child in need of
 1937 services.

1938 (15) The clerk of court must serve any court order
 1939 referring the case to voluntary family services or the case
 1940 staffing committee to the department's office of general counsel
 1941 and to the department's authorized agent.

1942 Section 19. Subsections (3) and (5) of section 984.16,
 1943 Florida Statutes, are amended, and subsection (11) is added to

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1944 that section, to read:

1945 984.16 Process and service for child in need of services
 1946 petitions.-

1947 (3) The summons shall require the person on whom it is
 1948 served to appear for a hearing at a time, ~~and place, and manner~~
 1949 specified. ~~Except in cases of medical emergency, the time shall~~
 1950 ~~not be less than 24 hours after service of the summons.~~ The
 1951 summons ~~must~~ may require the custodian to bring the child to
 1952 court ~~if the court determines that the child's presence is~~
 1953 ~~necessary.~~ A copy of the petition shall be attached to the
 1954 summons.

1955 (5) The jurisdiction of the court shall attach to the child
 1956 and the parent, legal guardian, or custodian, ~~or legal guardian~~
 1957 of the child and the case when the summons is served upon the
 1958 child or a parent, ~~or~~ legal guardian, or actual custodian of the
 1959 child; ~~or~~ when the child is taken into custody with or without
 1960 service of summons and after filing of a petition for a child in
 1961 need of services; or when a party personally appears before the
 1962 court whichever occurs first, and thereafter the court may
 1963 control the child and case in accordance with this chapter.

1964 (11) If a court takes action that directly involves a
 1965 student's school, including, but not limited to, an order that a
 1966 student attend school, attend school with his or her parent,
 1967 requiring the parent to participate in meetings, including
 1968 parent-teacher conferences, Section 504 plan meetings or
 1969 individualized education plan meetings to address the student's
 1970 disability, the office of the clerk of the court shall provide
 1971 notice to the school of the court's order.

1972 Section 20. Section 984.17, Florida Statutes, is amended to

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1973 read:

1974 984.17 Response to petition and representation of parties.—

1975 (1) At the time a child in need of services petition is
1976 filed, the court may appoint a guardian ad litem for the child.1977 (2) No answer to the petition or any other pleading need be
1978 filed by any child, parent, ~~or~~ legal guardian, or custodian, but
1979 any matters which might be set forth in an answer or other
1980 pleading may be pleaded orally before the court or filed in
1981 writing as any such person may choose. Notwithstanding the
1982 filing of an answer or any pleading, the child and ~~or~~ parent,
1983 legal guardian, or custodian shall, before ~~prior to~~ an
1984 adjudicatory hearing, be advised by the court of the right to
1985 counsel.1986 (3) When a petition for a child in need of services has
1987 been filed and the parents, legal guardian, or ~~legal~~ custodian
1988 of the child and the child have advised the department that the
1989 truth of the allegations is acknowledged and that no contest is
1990 to be made of the adjudication, the attorney representing the
1991 department may set the case before the court for a disposition
1992 hearing. If there is a change in the plea at this hearing, the
1993 court shall continue the hearing to permit the attorney
1994 representing the department to prepare and present the case.1995 (4) An attorney representing the department shall represent
1996 the state in any proceeding in which the petition alleges that a
1997 child is a child in need of services ~~and in which a party denies~~
1998 ~~the allegations of the petition and contests the adjudication.~~1999 Section 21. Section 984.18, Florida Statutes, is repealed.2000 Section 22. Section 984.19, Florida Statutes, is amended to
2001 read:

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2002 984.19 Medical screening and treatment of child;
2003 examination of parent, legal guardian, or person requesting
2004 custody.—2005 (1) When any child is to be placed in shelter care, the
2006 department or its authorized agent may ~~is authorized to~~ have a
2007 medical screening provided for ~~performed on~~ the child without
2008 authorization from the court and without consent from a parent,
2009 legal ~~or~~ guardian, or custodian. Such medical screening shall be
2010 provided ~~performed~~ by a licensed health care professional and
2011 shall be to screen ~~examine~~ the child for injury, illness, and
2012 communicable diseases. In no case does this subsection authorize
2013 the department to consent to medical treatment for such
2014 children.2015 (2) When ~~the department has performed~~ the medical screening
2016 authorized by subsection (1) or when it is otherwise determined
2017 by a licensed health care professional that a child is in need
2018 of medical treatment, consent for medical treatment shall be
2019 obtained in the following manner:2020 (a)1. Consent to medical treatment shall be obtained from a
2021 parent, legal ~~or~~ guardian, or custodian of the child; or

2022 2. A court order for such treatment shall be obtained.

2023 (b) If a parent, legal ~~or~~ guardian, or custodian of the
2024 child is unavailable and his or her whereabouts cannot be
2025 reasonably ascertained, and it is after normal working hours so
2026 that a court order cannot reasonably be obtained, an authorized
2027 agent of the department or its provider has the authority to
2028 consent to necessary medical treatment for the child. The
2029 authority of the department to consent to medical treatment in
2030 this circumstance is limited to the time reasonably necessary to

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2031 obtain court authorization.

2032 (c) If a parent, legal ~~or~~ guardian, or custodian of the
 2033 child is available but refuses to consent to the necessary
 2034 treatment, a court order is required, unless the situation meets
 2035 the definition of an emergency in s. 743.064 or the treatment
 2036 needed is related to suspected abuse or neglect of the child by
 2037 the parent or guardian. In such case, the department's
 2038 authorized agent may ~~department has the authority to~~ consent to
 2039 necessary medical treatment. This authority is limited to the
 2040 time reasonably necessary to obtain court authorization.

2041

2042 In no case may the department consent to sterilization,
 2043 abortion, or termination of life support.

2044 (3) A judge may order that a child alleged to be or
 2045 adjudicated a child in need of services be examined by a
 2046 licensed health care professional. The judge may also order such
 2047 child to be evaluated by a psychiatrist or a psychologist, by a
 2048 district school board educational needs assessment team, or, if
 2049 a developmental disability is suspected or alleged, by the
 2050 developmental disability diagnostic and evaluation team of the
 2051 Department of Children and Families or Agency for Persons with
 2052 Disabilities. The judge may order a family assessment if that
 2053 assessment was not completed at an earlier time. If it is
 2054 necessary to place a child in a residential facility for such
 2055 evaluation, then the criteria and procedure established in s.
 2056 394.463(2) or chapter 393 shall be used, whichever is
 2057 applicable. The educational needs assessment provided by the
 2058 district school board educational needs assessment team shall
 2059 include, but not be limited to, reports of intelligence and

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2060 achievement tests, screening for learning disabilities and other
 2061 handicaps, and screening for the need for alternative education
 2062 pursuant to s. 1003.53.

2063 (4) A judge may order that a child alleged to be or
 2064 adjudicated a child in need of services be treated by a licensed
 2065 health care professional. The judge may also order such child to
 2066 receive mental health or intellectual disability services from a
 2067 psychiatrist, psychologist, or other appropriate service
 2068 provider. If it is necessary to place the child in a residential
 2069 facility for such services, the procedures and criteria
 2070 established in s. 394.467 or chapter 393 shall be used, as
 2071 applicable. A child may be provided services in emergency
 2072 situations pursuant to the procedures and criteria contained in
 2073 s. 394.463(1) or chapter 393, as applicable.

2074 (5) When there are indications of physical injury or
 2075 illness, a licensed health care professional shall be
 2076 immediately contacted ~~called~~ or the child shall be taken to the
 2077 nearest available hospital for emergency care.

2078 (6) Except as otherwise provided herein, ~~nothing in~~ this
 2079 section does not ~~shall be deemed to~~ eliminate the right of a
 2080 parent, legal a guardian, or custodian, or the child to consent
 2081 to examination or treatment for the child.

2082 (7) Except as otherwise provided herein, ~~nothing in~~ this
 2083 section does not ~~shall be deemed to~~ alter the provisions of s.
 2084 743.064.

2085 (8) A court may order ~~shall not be precluded from ordering~~
 2086 services or treatment to be provided to the child by a duly
 2087 accredited practitioner who relies solely on spiritual means for
 2088 healing in accordance with the tenets and practices of a church

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2089 or religious organization, when required by the child's health
2090 and when requested by the child.

2091 (9) ~~Nothing in This section does not shall be construed to~~
2092 authorize the permanent sterilization of the child, unless such
2093 sterilization is the result of or incidental to medically
2094 necessary treatment to protect or preserve the life of the
2095 child.

2096 (10) For the purpose of obtaining an evaluation or
2097 examination or receiving treatment as authorized pursuant to
2098 this section, no child ~~alleged to be or found to be a child from~~
2099 ~~a family in need of services or a child in need of services~~
2100 shall be placed in a detention facility or other program used
2101 primarily for the care and custody of children alleged or found
2102 to have committed delinquent acts.

2103 (11) The parents, legal guardian, or custodian ~~guardian~~ of
2104 a child alleged to be or adjudicated a child in need of services
2105 remain financially responsible for the cost of medical treatment
2106 provided to the child even if one or both of the parents or if
2107 the legal guardian, or custodian did not consent to the medical
2108 treatment. After a hearing, the court may order the parents,
2109 legal or guardian, or custodian, if found able to do so, to
2110 reimburse the department or other provider of medical services
2111 for treatment provided.

2112 (12) A judge may order a child under its jurisdiction to
2113 submit to substance abuse evaluation, testing, and treatment in
2114 accordance with s. 397.706 ~~Nothing in this section alters the~~
2115 ~~authority of the department to consent to medical treatment for~~
2116 ~~a child who has been committed to the department pursuant to s.~~
2117 ~~984.22(3) and of whom the department has become the legal~~

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2118 ~~custodian.~~

2119 (13) At any time after the filing of a petition for a child
2120 in need of services, when the mental or physical condition,
2121 including the blood group, of a parent, guardian, or other
2122 person requesting custody of a child is in controversy, the
2123 court may order the person to submit to a physical or mental
2124 examination by a qualified professional. The order may be made
2125 only upon good cause shown and pursuant to notice and procedures
2126 as set forth by the Florida Rules of Juvenile Procedure.

2127 Section 23. Section 984.20, Florida Statutes, is amended to
2128 read:

2129 984.20 Hearings for child in need of services ~~child in-~~
2130 ~~need of services~~ cases.-

2131 (1) ARRAIGNMENT HEARING.-

2132 (a) The clerk shall set a date for an arraignment hearing
2133 within a reasonable time after the date of the filing of the
2134 child in need of services petition. The court shall advise the
2135 child and the parent, legal guardian, or custodian of the right
2136 to counsel as provided in s. 984.07. ~~When a child has been taken~~
2137 ~~into custody by order of the court, an arraignment hearing shall~~
2138 ~~be held within 7 days after the date the child is taken into~~
2139 ~~custody.~~ The hearing shall be held for the child and the parent,
2140 legal guardian, or custodian to admit, deny, or consent to
2141 findings that a child is in need of services as alleged in the
2142 petition. If the child and the parent, legal guardian, or
2143 custodian admit or consent to the findings in the petition, the
2144 court shall adjudicate the child a child in need of services and
2145 proceed as set forth in the Florida Rules of Juvenile Procedure.
2146 However, if either the child or the parent, legal guardian, or

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2147 custodian denies any of the allegations of the petition, the
 2148 court shall hold an adjudicatory hearing within a reasonable
 2149 time after the date of the arraignment hearing ~~7 days after the~~
 2150 ~~date of the arraignment hearing.~~

2151 (b) The court may grant a continuance of the arraignment
 2152 hearing ~~When a child is in the custody of the parent, guardian,~~
 2153 ~~or custodian, upon the filing of a petition, the clerk shall set~~
 2154 ~~a date for an arraignment hearing within a reasonable time from~~
 2155 ~~the date of the filing of the petition.~~ if the child or and the
 2156 parent, legal guardian, or custodian request a continuance to
 2157 obtain an attorney. The case shall be rescheduled for an
 2158 arraignment hearing within a reasonable period of time to allow
 2159 for consultation ~~admit or consent to an adjudication, the court~~
 2160 ~~shall proceed as set forth in the Florida Rules of Juvenile~~
 2161 ~~Procedure. However, if either the child or the parent, guardian,~~
 2162 ~~or custodian denies any of the allegations of child in need of~~
 2163 ~~services, the court shall hold an adjudicatory hearing within a~~
 2164 ~~reasonable time from the date of the arraignment hearing.~~

2165 (c) If at the arraignment hearing the child and the parent,
 2166 legal guardian, or custodian consents or admits to the
 2167 allegations in the petition and the court determines that the
 2168 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~,
 2169 the court shall proceed to hold a disposition hearing at the
 2170 earliest practicable time that will allow for the completion of
 2171 a predisposition study.

2172 (d) Failure of a person served with notice to appear at the
 2173 arraignment hearing constitutes the person's consent to the
 2174 adjudication of the child as a child in need of services. The
 2175 document containing the notice to respond or appear must

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2176 contain, in type as large as the balance of the document, the
 2177 following or substantially similar language:

2178
 2179 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
 2180 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
 2181 AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
 2182 COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
 2183 CHILD INTO SHELTER.

2184
 2185 If a person appears for the arraignment hearing and the court
 2186 orders that person to appear, either physically or through
 2187 audio-video communication technology, at the adjudicatory
 2188 hearing for the child in need of services case, stating the
 2189 date, time, place, and, if applicable, the instructions for
 2190 appearance through audio-video communication technology, of the
 2191 adjudicatory hearing, that person's failure to appear for the
 2192 scheduled adjudicatory hearing constitutes consent to
 2193 adjudication of the child as a child in need of services.

2194 (2) ADJUDICATORY HEARING.—

2195 (a) The adjudicatory hearing shall be held as soon as
 2196 practicable after the petition for a child in need of services
 2197 is filed and in accordance with the Florida Rules of Juvenile
 2198 Procedure, but reasonable delay for the purpose of
 2199 investigation, discovery, or procuring counsel or witnesses
 2200 shall, whenever practicable, be granted. ~~If the child is in~~
 2201 ~~custody, the adjudicatory hearing shall be held within 14 days~~
 2202 ~~after the date the child was taken into custody.~~

2203 (b) Adjudicatory hearings shall be conducted by the judge
 2204 without a jury, applying the rules of evidence in use in civil

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2205 cases and adjourning the hearings from time to time as
 2206 necessary. In an adjudicatory hearing ~~on a petition in which~~
 2207 ~~it is alleged that the child is a child in need of services,~~ a
 2208 preponderance of evidence shall be required to establish that
 2209 the child is in need of services. If the court finds the
 2210 allegations are proven by a preponderance of evidence and the
 2211 child is a child in need of services, the court shall enter an
 2212 order of adjudication.

2213 (c) All hearings, except as hereinafter provided, shall be
 2214 open to the public, and no person shall be excluded therefrom
 2215 except on special order of the judge who, in his or her
 2216 discretion, may close any hearing to the public when the public
 2217 interest or the welfare of the child, in his or her opinion, is
 2218 best served by so doing. Hearings involving more than one child
 2219 may be held simultaneously when the several children involved
 2220 are related to each other or were involved in the same case. The
 2221 child and the parent, legal guardian, or custodian of the child
 2222 may be examined separately and apart from each other.

2223 (3) DISPOSITION HEARING.—

2224 (a) At the disposition hearing, ~~if the court finds that the~~
 2225 ~~facts alleged in the petition of a child in need of services~~
 2226 ~~were proven in the adjudicatory hearing,~~ the court shall receive
 2227 and consider a predisposition study, which shall be in writing
 2228 and be presented by an authorized agent of the department or its
 2229 provider.

2230 ~~(a)~~ The predisposition study shall cover:

- 2231 1. All treatment and services that the parent, legal
 2232 guardian, or custodian and child received.
- 2233 2. The love, affection, and other emotional ties existing

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2234 between the family parents and the child.

2235 3. The capacity and disposition of the parents, legal
 2236 guardian, or custodian to provide the child with food, clothing,
 2237 medical care or other remedial care recognized and permitted
 2238 under the laws of this state in lieu of medical care, and other
 2239 material needs.

2240 4. The length of time that the child has lived in a stable,
 2241 satisfactory environment and the desirability of maintaining
 2242 continuity.

2243 5. The permanence, as a family unit, of the existing or
 2244 proposed custodial home.

2245 6. The moral fitness of the parents, legal guardian, or
 2246 custodian.

2247 7. The mental and physical health of the family.

2248 8. The home, school, and community record of the child.

2249 9. The reasonable preference of the child, if the court
 2250 deems the child to be of sufficient intelligence, understanding,
 2251 and experience to express a preference.

2252 10. Any other factor considered by the court to be
 2253 relevant.

2254 (b) The predisposition study also shall provide the court
 2255 with documentation regarding:

2256 1. The availability of appropriate prevention, services,
 2257 and treatment for the parent, legal guardian, custodian, and
 2258 child to prevent the removal of the child from the home or to
 2259 reunify the child with the parent, legal guardian, or custodian
 2260 after removal or to reconcile the problems between the family
 2261 ~~parent, guardian, or custodian~~ and the child.†

2262 2. The inappropriateness of other prevention, treatment,

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2263 and services that were available.~~†~~

2264 3. The efforts by the department to prevent ~~shelter out-of-~~
2265 ~~home~~ placement of the child or, when applicable, to reunify the
2266 parent, legal guardian, or custodian if appropriate services
2267 were available.~~†~~

2268 4. Whether voluntary family ~~the~~ services were provided.~~†~~

2269 5. If the voluntary family services and treatment were
2270 provided, whether they were sufficient to meet the needs of the
2271 child and the family and to enable the child to remain at home
2272 or to be returned home.~~†~~

2273 6. If the voluntary family services and treatment were not
2274 provided, the reasons for such lack of provision.~~†~~ ~~and~~

2275 7. The need for, or appropriateness of, continuing such
2276 treatment and services if the child remains in the custody of
2277 the parent, legal guardian, or custodian or if the child is
2278 placed outside the home.

2279 (c) If placement of the child with anyone other than the
2280 child's parent, guardian, or custodian is being considered, the
2281 study shall include the designation of a specific length of time
2282 as to when custody by the parent, guardian, or custodian shall
2283 be reconsidered.

2284 (d) A copy of this predisposition study shall be furnished
2285 to the person having custody of the child at the time such
2286 person is notified of the disposition hearing.

2287 (e) After review of the predisposition study and other
2288 relevant materials, the court shall hear from the parties and
2289 consider all recommendations for court-ordered services,
2290 evaluations, treatment and required actions designed to remedy
2291 the child's truancy, ungovernable behavior, or running away. The

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2292 court shall enter an order of disposition.

2293
2294 Any other relevant and material evidence, including other
2295 written or oral reports, may be received by the court in its
2296 effort to determine the action to be taken with regard to the
2297 child and may be relied upon to the extent of its probative
2298 value, even though not competent in an adjudicatory hearing.
2299 Except as provided in paragraph (2)(c), ~~nothing in~~ this section
2300 does not shall prohibit the publication of proceedings in a
2301 hearing.

2302 (4) REVIEW HEARINGS.—

2303 (a) The court shall hold a review hearing within 45 days
2304 after the disposition hearing. Additional review hearings may be
2305 held as necessary, allowing sufficient time for the child and
2306 family to work toward compliance with the court orders and
2307 monitoring by the case manager. No longer than 90 days may
2308 elapse between judicial review hearings but no less than 45 days
2309 after the date of the last review hearing.

2310 (b) The parent, legal guardian, or custodian and the child
2311 shall be noticed to appear for the review hearing. The
2312 department must appear at the review hearing. If the parent,
2313 legal guardian, or custodian does not appear at a review
2314 hearing, or if the court finds good cause to waive the child's
2315 presence, the court may proceed with the hearing and enter
2316 orders that affect the child and family accordingly.

2317 (c)(b) At the review hearings, the court shall consider the
2318 department's judicial review summary. The court shall close the
2319 case if the child has substantially complied with the case plans
2320 and court orders and no longer requires continued court

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2321 supervision, subject to the case being reopened. Upon request of
 2322 the petitioner, the court may close the case and relinquish
 2323 jurisdiction. If the child has significantly failed to comply
 2324 with the case plan or court orders, the child shall continue to
 2325 be a child in need of services and reviewed by the court as
 2326 needed. At review hearings, the court may enter further orders
 2327 to adjust the services case plan to address the family needs and
 2328 compliance with court orders, including, but not limited to,
 2329 ordering the child placed in shelter, but no less than 45 days
 2330 after the date of the last review hearing.

2331 Section 24. Section 984.21, Florida Statutes, is amended to
 2332 read:

2333 984.21 Orders of adjudication.—

2334 (2)(1) If the court finds that the child named in a
 2335 petition is not a child in need of services, it shall enter an
 2336 order so finding and dismiss ~~dismissing~~ the case.

2337 ~~(2) If the court finds that the child named in the petition~~
 2338 ~~is a child in need of services, but finds that no action other~~
 2339 ~~than supervision in the home is required, it may enter an order~~
 2340 ~~briefly stating the facts upon which its finding is based, but~~
 2341 ~~withholding an order of adjudication and placing the child and~~
 2342 ~~family under the supervision of the department. If the court~~
 2343 ~~later finds that the parent, guardian, or custodian of the child~~
 2344 ~~have not complied with the conditions of supervision imposed,~~
 2345 ~~the court may, after a hearing to establish the noncompliance,~~
 2346 ~~but without further evidence of the state of the child in need~~
 2347 ~~of services, enter an order of adjudication and shall thereafter~~
 2348 ~~have full authority under this chapter to provide for the child~~
 2349 ~~as adjudicated.~~

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2350 (3) If the court finds by a preponderance of evidence that
 2351 the child named in a petition is a child in need of services,
 2352 ~~but elects not to proceed under subsection (2),~~ it shall
 2353 incorporate that finding in an order of adjudication entered in
 2354 the case, briefly stating the facts upon which the finding is
 2355 made, and the court shall thereafter have full authority under
 2356 this chapter to provide for the child as adjudicated.

2357 ~~(1)(4)~~ An order of adjudication by a court that a child is
 2358 a child in need of services is a civil adjudication, and is
 2359 ~~services shall~~ not be deemed a conviction, nor shall the child
 2360 be deemed to have been found guilty or to be a delinquent or
 2361 ~~criminal by reason of that~~ adjudication, nor shall that
 2362 adjudication operate to impose upon the child any of the civil
 2363 disabilities ordinarily imposed by or resulting from conviction
 2364 or disqualify or prejudice the child in any civil service
 2365 application or appointment.

2366 Section 25. Section 984.22, Florida Statutes, is amended to
 2367 read:

2368 984.22 Powers of disposition.—

2369 (1) If the court finds that services and treatment have not
 2370 been provided or used ~~utilized~~ by a child or family, the court
 2371 having jurisdiction of the child in need of services shall have
 2372 the power to direct the least intrusive and least restrictive
 2373 disposition, as follows:

2374 (a) Order the parent, legal guardian, or custodian and the
 2375 child to participate in treatment, services, and any other
 2376 alternative identified as necessary.

2377 (b) Order the parent, legal guardian, or custodian to pay a
 2378 fine or fee based on the recommendations of the department.

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2379 (2) When any child is adjudicated by the court to be a
 2380 child in need of services, the court having jurisdiction of the
 2381 child and parent, legal guardian, or custodian shall have the
 2382 power, by order, to:

2383 (a) Place the child under the supervision of the
 2384 department's authorized agent ~~contracted~~ provider of programs
 2385 and services for children in need of services and families in
 2386 need of services. The term "supervision," for the purposes of
 2387 this section, means services as defined by the contract between
 2388 the department and the provider.

2389 (b) Place the child in the temporary legal custody of an
 2390 adult willing to care for the child.

2391 (c) Commit the child to a licensed child-caring agency
 2392 willing to receive the child and to provide services without
 2393 compensation from the department.

2394 (d) Order the child, and, if the court finds it
 2395 appropriate, the parent, legal guardian, or custodian of the
 2396 child, to render community service in a public service program.

2397 (e) Order the child placed in shelter pursuant to s.
 2398 984.225 or s. 984.226.

2399 (3) When any child is adjudicated by the court to be a
 2400 child in need of services and temporary legal custody of the
 2401 child has been placed with an adult willing to care for the
 2402 child, or a licensed child-caring agency, ~~the Department of~~
 2403 ~~Juvenile Justice, or the Department of Children and Families,~~
 2404 the court shall order the natural or adoptive parents of such
 2405 child, including the natural father of such child born out of
 2406 wedlock who has acknowledged his paternity in writing before the
 2407 court, or the guardian of such child's estate if possessed of

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2408 assets which under law may be disbursed for the care, support,
 2409 and maintenance of such child, to pay child support to the adult
 2410 relative caring for the child, the licensed child-caring agency,
 2411 the department ~~of Juvenile Justice,~~ or the Department of
 2412 Children and Families. When such order affects the guardianship
 2413 estate, a certified copy of such order shall be delivered to the
 2414 judge having jurisdiction of such guardianship estate. If the
 2415 court determines that the parent is unable to pay support,
 2416 placement of the child shall not be contingent upon issuance of
 2417 a support order. The department may employ a collection agency
 2418 to receive, collect, and manage ~~for the purpose of receiving,~~
 2419 ~~collecting, and managing~~ the payment of unpaid and delinquent
 2420 fees. The collection agency must be registered and in good
 2421 standing under chapter 559. The department may pay to the
 2422 collection agency a fee from the amount collected under the
 2423 claim or may authorize the agency to deduct the fee from the
 2424 amount collected.

2425 ~~(4) All payments of fees made to the department under this~~
 2426 ~~chapter, or child support payments made to the department~~
 2427 ~~pursuant to subsection (3), shall be deposited in the General~~
 2428 ~~Revenue Fund.~~

2429 ~~(4)(5)~~ In carrying out the provisions of this chapter, the
 2430 court shall order the child, family, parent, legal guardian, or
 2431 custodian of a child who is found to be a child in need of
 2432 services to participate in family counseling and other
 2433 professional counseling activities or other alternatives deemed
 2434 necessary to address the needs ~~for the rehabilitation~~ of the
 2435 child and family.

2436 ~~(5)(6)~~ The participation and cooperation of the family,

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2437 parent, legal guardian, or custodian, and the child with court-
 2438 ordered services, treatment, or community service are mandatory,
 2439 not merely voluntary. The court may use its contempt powers to
 2440 enforce its orders ~~order~~.

2441 Section 26. Section 984.225, Florida Statutes, is amended
 2442 to read:

2443 984.225 Powers of disposition; placement in a ~~staff-secure~~
 2444 shelter.-

2445 (1) ~~Subject to specific legislative appropriation,~~ The
 2446 court may order that a child adjudicated as a child in need of
 2447 services be placed in shelter to enforce the court's orders, to
 2448 ensure the child attends school, to ensure the child receives
 2449 needed counseling, and to ensure the child adheres to a service
 2450 plan. While a child is in a shelter, the child shall receive
 2451 education commensurate with his or her grade level and
 2452 educational ability. The department, or the department's
 2453 authorized agent, must verify to the court that a shelter bed is
 2454 available for the child. If the department or the department's
 2455 authorized agent verifies that a bed is not available, the
 2456 department shall place the child's name on a waiting list. The
 2457 child who has been on the waiting list the longest shall get the
 2458 next available bed. ~~for up to 90 days in a staff-secure shelter~~
 2459 ~~if:~~

2460 (2) The court shall order the parent, legal guardian, or
 2461 custodian to cooperate with reunification efforts and
 2462 participate in counseling. If a parent, legal guardian, or
 2463 custodian prefers to arrange counseling or other services with a
 2464 private provider in lieu of using services provided by the
 2465 department, the family shall pay all costs associated with those

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2466 services.

2467 (3) Placement of a child under this section is designed to
 2468 provide residential care on a temporary basis. Such placement
 2469 does not abrogate the legal responsibilities of the parent,
 2470 legal guardian, or custodian with respect to the child, except
 2471 to the extent that those responsibilities are temporarily
 2472 altered by court order.

2473 (a) The court may order any child adjudicated a child in
 2474 need of services to be placed in shelter for up to 35 days.

2475 (b) After other alternative, less restrictive, remedies
 2476 have been exhausted, the child may be placed in shelter for up
 2477 to 90 days if:

2478 1.~~(a)~~ The child's parent, legal guardian, or legal
 2479 custodian refuses to provide food, clothing, shelter, and
 2480 necessary parental support for the child and the refusal is a
 2481 direct result of an established pattern of significant
 2482 disruptive behavior of the child in the home of the parent,
 2483 legal guardian, or legal custodian;

2484 2.~~(b)~~ The child refuses to remain under the reasonable care
 2485 and custody of the ~~his or her~~ parent, legal guardian, or legal
 2486 custodian, as evidenced by repeatedly running away and failing
 2487 to comply with a court order; or

2488 3.~~(c)~~ The child has failed to successfully complete an
 2489 alternative treatment program or to comply with a court-ordered
 2490 services ~~sanction~~ and the child has been placed in a shelter
 2491 residential program on at least one prior occasion pursuant to a
 2492 court order after the child has been adjudicated a child in need
 2493 of services under this chapter.

2494 (4) The court shall review the child's 90-day shelter

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2495 placement within 45 days after the child's placement and
 2496 determine whether continued shelter is deemed necessary. The
 2497 court shall also determine whether the parent, legal guardian,
 2498 or custodian has reasonably participated in the child's
 2499 counseling and treatment program, and is following the
 2500 recommendations of the program to work toward reunification. The
 2501 court shall also determine whether the department's
 2502 reunification efforts have been reasonable. If the court finds
 2503 an inadequate level of support or participation by the parent,
 2504 legal guardian, or custodian before the end of the shelter
 2505 commitment period, the court shall direct that the child be
 2506 handled in every respect as a dependent child. Jurisdiction
 2507 shall be transferred to the Department of Children and Families,
 2508 and the child's care shall be governed under the relevant
 2509 provisions of chapter 39. The department shall notify and
 2510 coordinate with the Department of Children and Families for the
 2511 transfer of jurisdiction. The clerk of court shall serve the
 2512 Department of Children and Families with any court order of
 2513 referral.

2514 ~~(2) This section applies after other alternative, less-~~
 2515 ~~restrictive remedies have been exhausted. The court may order~~
 2516 ~~that a child be placed in a staff-secure shelter. The~~
 2517 ~~department, or an authorized representative of the department,~~
 2518 ~~must verify to the court that a bed is available for the child.~~
 2519 ~~If the department or an authorized representative of the~~
 2520 ~~department verifies that a bed is not available, the department~~
 2521 ~~will place the child's name on a waiting list. The child who has~~
 2522 ~~been on the waiting list the longest will get the next available~~
 2523 ~~bed.~~

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2524 ~~(3) The court shall order the parent, guardian, or legal~~
 2525 ~~custodian to cooperate with efforts to reunite the child with~~
 2526 ~~the family, participate in counseling, and pay all costs~~
 2527 ~~associated with the care and counseling provided to the child~~
 2528 ~~and family, in accordance with the family's ability to pay as~~
 2529 ~~determined by the court. Commitment of a child under this~~
 2530 ~~section is designed to provide residential care on a temporary~~
 2531 ~~basis. Such commitment does not abrogate the legal~~
 2532 ~~responsibilities of the parent, guardian, or legal custodian~~
 2533 ~~with respect to the child, except to the extent that those~~
 2534 ~~responsibilities are temporarily altered by court order.~~

2535 ~~(4) While a child is in a staff secure shelter, the child~~
 2536 ~~shall receive education commensurate with his or her grade level~~
 2537 ~~and educational ability.~~

2538 (5) If a child has not been reunited with his or her
 2539 parent, legal guardian, or ~~legal~~ custodian at the expiration of
 2540 the 90-day commitment period, the court may order that the child
 2541 remain in the ~~staff-secure~~ shelter for an additional 30 days if
 2542 the court finds that reunification could be achieved within that
 2543 period.

2544 ~~(6) The department is deemed to have exhausted the~~
 2545 ~~reasonable remedies offered under this chapter if, at the end of~~
 2546 ~~the 90-day shelter commitment period, the parent, legal~~
 2547 ~~guardian, or ~~legal~~ custodian continues to refuse to allow the~~
 2548 ~~child to remain at home or creates unreasonable conditions for~~
 2549 ~~the child's return. If, at the end of the 90-day shelter~~
 2550 ~~commitment period, the child is not reunited with his or her~~
 2551 ~~parent, legal guardian, or custodian due solely to the continued~~
 2552 ~~refusal of the parent, legal guardian, or custodian to provide~~

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2553 food, clothing, shelter, and parental support, the child is
 2554 considered to be threatened with harm as a result of such acts
 2555 or omissions, and the court shall direct that the child be
 2556 handled in every respect as a dependent child. Jurisdiction
 2557 shall be transferred to the custody of the Department of
 2558 Children and Families, and the child's care shall be governed
 2559 under the relevant provisions of chapter 39. The department
 2560 shall coordinate with the Department of Children and Families as
 2561 provided in s. 984.086. The clerk of court shall serve the
 2562 Department of Children and Families with any court order of
 2563 referral.

2564 ~~(7) The court shall review the child's commitment once~~
 2565 ~~every 45 days as provided in s. 984.20. The court shall~~
 2566 ~~determine whether the parent, guardian, or custodian has~~
 2567 ~~reasonably participated in and financially contributed to the~~
 2568 ~~child's counseling and treatment program. The court shall also~~
 2569 ~~determine whether the department's efforts to reunite the family~~
 2570 ~~have been reasonable. If the court finds an inadequate level of~~
 2571 ~~support or participation by the parent, guardian, or custodian~~
 2572 ~~prior to the end of the commitment period, the court shall~~
 2573 ~~direct that the child be handled in every respect as a dependent~~
 2574 ~~child. Jurisdiction shall be transferred to the Department of~~
 2575 ~~Children and Families, and the child's care shall be governed~~
 2576 ~~under the relevant provisions of chapter 39.~~

2577 (6)(8) If the child requires residential mental health
 2578 treatment or residential care for a developmental disability,
 2579 the court shall order refer the child transferred to the custody
 2580 of the Agency for Persons with Disabilities or to the Department
 2581 of Children and Families for the provision of necessary

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2582 services. The clerk of court shall serve the Agency for Persons
 2583 with Disabilities or the Department of Children and Families
 2584 with any court order of referral.

2585 Section 27. Section 984.226, Florida Statutes, is amended
 2586 to read:

2587 984.226 Physically secure shelter setting.-

2588 (1) Subject to specific legislative appropriation, the
 2589 department of ~~Juvenile Justice~~ shall establish or contract for
 2590 physically secure shelters settings designated exclusively for
 2591 the placement of children in need of services who meet the
 2592 criteria provided in this section.

2593 ~~(2) When a petition is filed alleging that a child is a~~
 2594 ~~child in need of services, the child must be represented by~~
 2595 ~~counsel at each court appearance unless the record in that~~
 2596 ~~proceeding affirmatively demonstrates by clear and convincing~~
 2597 ~~evidence that the child knowingly and intelligently waived the~~
 2598 ~~right to counsel after being fully advised by the court of the~~
 2599 ~~nature of the proceedings and the dispositional alternatives~~
 2600 ~~available to the court under this section. If the court decides~~
 2601 ~~to appoint counsel for the child and if the child is indigent,~~
 2602 ~~the court shall appoint an attorney to represent the child as~~
 2603 ~~provided under s. 985.033. Nothing precludes the court from~~
 2604 ~~requesting reimbursement of attorney's fees and costs from the~~
 2605 ~~nonindigent parent or legal guardian.~~

2606 (2)(3) When a child is adjudicated as a child in need of
 2607 services by a court and all other less restrictive placements
 2608 have been exhausted, the court may order the child to be placed
 2609 in a physically secure shelter setting authorized in this
 2610 section if the child has:

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2611 (a) Failed to appear for placement in a ~~staff-secure~~
 2612 shelter for up to 90 days as ordered under s. 984.225, or failed
 2613 to comply with any other provision of a valid court order
 2614 relating to such placement and, as a result of such failure, has
 2615 been found to be in direct or indirect contempt of court; or

2616 (b) Run away from a 90-day ~~staff-secure~~ shelter following
 2617 placement under s. 984.225 ~~or s. 984.09~~.

2618

2619 The department or an authorized agent representative of the
 2620 department must verify to the court that a bed is available for
 2621 the child in a physically secure shelter. If a bed is not
 2622 available in a physically secure shelter, the court must stay
 2623 the placement until such a bed is available, and the department
 2624 must place the child's name on a waiting list. The child who has
 2625 been on the waiting list the longest has first priority for
 2626 placement in the physically secure shelter. Physically secure
 2627 shelter placement may only be used when the child cannot receive
 2628 appropriate and available services due to the child running away
 2629 or refusing to cooperate with attempts to provide services in
 2630 other less restrictive placements setting.

2631 ~~(3)(4)~~ A child may be placed in a physically secure shelter
 2632 setting for up to 90 days by order of the court. If a child has
 2633 not been reunited with his or her parent, guardian, or legal
 2634 custodian at the expiration of the placement in a physically
 2635 secure shelter setting, the court may order that the child
 2636 remain in the physically secure shelter setting for an
 2637 additional 30 days if the court finds that reunification could
 2638 be achieved within that period.

2639 ~~(4)(5)~~(a) The court shall review the child's placement once

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2640 within every 45 days to determine whether the child can be
 2641 returned home with the provision of ongoing services as provided
 2642 in s. 984.20.

2643 (b) At any time during the placement of a child in need of
 2644 services in a physically secure shelter setting, the department
 2645 or an authorized agent representative of the department may
 2646 submit to the court a report that recommends:

2647 1. That the child has received all of the services
 2648 available from the physically secure shelter setting and is
 2649 ready for reunification with a parent or guardian; or

2650 2. That the child is unlikely to benefit from continued
 2651 placement in the physically secure shelter setting and is more
 2652 likely to have his or her needs met in a different type of
 2653 placement. The court may order that the child be transitioned
 2654 from a physically secure shelter to a shelter placement as
 2655 provided in s. 984.225 upon a finding that the physically secure
 2656 shelter is no longer necessary for the child's safety and to
 2657 provide needed services.

2658 (c) The court shall determine if the parent, legal
 2659 guardian, or custodian has reasonably participated in and has
 2660 ~~financially~~ contributed to or participated in the child's
 2661 counseling and treatment program.

2662 (d) If the court finds an inadequate level of support or
 2663 participation by the parent, legal guardian, or custodian before
 2664 the end of the placement, the court shall direct that the child
 2665 be handled as a dependent child, jurisdiction shall be
 2666 transferred to the Department of Children and Families, and the
 2667 child's care shall be governed by chapter 39. The department
 2668 shall notify and coordinate with the Department of Children and

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2669 Families for provision of services to the child. The clerk of
 2670 court shall serve the Department of Children and Families with
 2671 any court order of referral.

2672 (e) If the child requires long-term residential mental
 2673 health treatment or residential care for a developmental
 2674 disability, the court shall transfer custody of ~~refer~~ the child
 2675 to the Department of Children and Families or the Agency for
 2676 Persons with Disabilities for the provision of necessary
 2677 services. The clerk of court shall serve the Agency for Persons
 2678 with Disabilities or the Department of Children and Families
 2679 with any court order of referral.

2680 ~~(5)(6)~~ Prior to being ordered to a physically secure
 2681 shelter setting, the child must be afforded all rights of due
 2682 process required under s. 984.07 ~~985.037~~.

2683 (6) While in the physically secure shelter setting, the
 2684 child shall receive appropriate assessment, intervention,
 2685 treatment, and educational services that are designed to
 2686 eliminate or reduce the child's truant, ungovernable, or runaway
 2687 behavior. The child and family shall be provided with individual
 2688 and family counseling and other support services necessary for
 2689 reunification.

2690 (7) The court shall order the parent, legal guardian, or
 2691 ~~legal~~ custodian to cooperate with efforts to reunite the child
 2692 with the family, participate in counseling, and pay all costs
 2693 associated with the care and counseling provided to the child
 2694 and family, in accordance with the child's insurance and the
 2695 family's ability to pay as determined by the court. Placement of
 2696 a child under this section is designed to provide residential
 2697 care on a temporary basis. Such placement does not abrogate the

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2698 legal responsibilities of the parent, legal guardian, or ~~legal~~
 2699 custodian with respect to the child, except to the extent that
 2700 those responsibilities are temporarily altered by court order.

2701 Section 28. Section 985.731, Florida Statutes, is
 2702 transferred and renumbered as section 787.035, Florida Statutes.

2703 Section 29. Subsection (9) of section 985.03, Florida
 2704 Statutes, is amended to read:

2705 985.03 Definitions.—As used in this chapter, the term:

2706 (9) "Child who has been found to have committed a
 2707 delinquent act" means a child who, under this chapter, is found
 2708 by a court to have committed a violation of law or to be in
 2709 direct or indirect contempt of court, except that this
 2710 definition does not include an act constituting contempt of
 2711 court arising out of a ~~dependency~~ proceeding under chapter 39 or
 2712 chapter 984 or a proceeding concerning a child or family in need
 2713 of services.

2714 Section 30. Subsection (4) of section 985.24, Florida
 2715 Statutes, is amended to read:

2716 985.24 Use of detention; prohibitions.—

2717 (4) A child who is alleged to be dependent under chapter
 2718 39, or any child subject to proceedings under chapter 984, but
 2719 who is not alleged to have committed a delinquent act or
 2720 violation of law, may not, under any circumstances, be placed
 2721 into secure detention care.

2722 Section 31. Section 1003.26, Florida Statutes, is amended
 2723 to read:

2724 1003.26 Enforcement of school attendance.—The Legislature
 2725 finds that poor academic performance is associated with
 2726 nonattendance and that school districts must take an active role

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2727 in promoting and enforcing attendance as a means of improving
 2728 student performance. It is the policy of the state that each
 2729 district school superintendent be responsible for enforcing
 2730 school attendance of all students subject to the compulsory
 2731 school age in the school district and supporting enforcement of
 2732 school attendance by local law enforcement agencies. The
 2733 responsibility includes recommending policies and procedures to
 2734 the district school board that require public schools to respond
 2735 in a timely manner to every unexcused absence, and every absence
 2736 for which the reason is unknown, of students enrolled in the
 2737 schools. District school board policies shall require the parent
 2738 of a student to justify each absence of the student, and that
 2739 justification will be evaluated based on adopted district school
 2740 board policies that define excused and unexcused absences. The
 2741 policies must provide that public schools track excused and
 2742 unexcused absences and contact the home in the case of an
 2743 unexcused absence from school, or an absence from school for
 2744 which the reason is unknown, to prevent the development of
 2745 patterns of nonattendance. The Legislature finds that early
 2746 intervention in school attendance is the most effective way of
 2747 producing good attendance habits that will lead to improved
 2748 student learning and achievement. Each public school is required
 2749 to shall implement the following steps to promote and enforce
 2750 regular school attendance:

2751 (1) CONTACT, REFER, AND ENFORCE.—

2752 (a) Upon each unexcused absence, or absence for which the
 2753 reason is unknown, the school principal or his or her designee
 2754 must shall contact the student's parent to determine the reason
 2755 for the absence. If the absence is an excused absence, as

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2756 defined by district school board policy, the school shall
 2757 provide opportunities for the student to make up assigned work
 2758 and not receive an academic penalty unless the work is not made
 2759 up within a reasonable time.

2760 (b) If a student has had at least five unexcused absences,
 2761 or absences for which the reasons are unknown, within a calendar
 2762 month or 10 unexcused absences, or absences for which the
 2763 reasons are unknown, within a 90-calendar-day period, the
 2764 student's primary teacher must shall report to the school
 2765 principal or his or her designee that the student may be
 2766 exhibiting a pattern of nonattendance. ~~The principal shall,~~
 2767 Unless there is clear evidence that the absences are not a
 2768 pattern of nonattendance, the principal must refer the case to
 2769 the school's child study team to determine if early patterns of
 2770 truancy are developing. If the child study team finds that a
 2771 pattern of nonattendance is developing, whether the absences are
 2772 excused or not, a meeting with the parent must be scheduled to
 2773 identify potential remedies, and the principal must shall notify
 2774 the district school superintendent and the school district
 2775 contact for home education programs that the referred student is
 2776 exhibiting a pattern of nonattendance. The child study team may
 2777 allow the parent to attend the meeting virtually or by telephone
 2778 if the parent is unable to attend the meeting in person.

2779 (c) If the parent or child fails to attend the child study
 2780 team meeting, the meeting shall be held in his or her absence,
 2781 and the child study team shall make written recommendations to
 2782 remediate the truancy based upon the information available to
 2783 the school. The recommendations shall be provided to the parent
 2784 within 7 days after the child study team meeting. If the a

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2785 initial meeting does not resolve the problem, the child study
2786 team shall implement the following:

2787 1. Frequent attempts at communication between the teacher
2788 and the family.

2789 2. Attempt to determine the reasons the child is truant
2790 from school and provide remedies if available or refer the
2791 family to services, including referring the family for available
2792 scholarship options if the learning environment is an issue of
2793 concern.

2794 3.2. Evaluation for alternative education programs.

2795 4.3. Attendance contracts.

2796

2797 The child study team may, but is not required to, implement
2798 other interventions, including referral to the Department of
2799 Juvenile Justice's designated provider for voluntary family
2800 services, or to other agencies for family services or recommend
2801 ~~recommendation for~~ filing a truancy petition pursuant to s.
2802 984.151.

2803 (d) The child study team must ~~shall~~ be diligent in
2804 facilitating intervention services and shall report the case to
2805 the district school superintendent only when all reasonable
2806 efforts to resolve the nonattendance behavior are exhausted.

2807 (e) If the parent refuses to participate in the remedial
2808 strategies because he or she believes that those strategies are
2809 unnecessary or inappropriate, the parent may appeal to the
2810 district school board. The district school board may provide a
2811 hearing officer, and the hearing officer shall make a
2812 recommendation for final action to the district school board. If
2813 the district school board's final determination is that the

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2814 strategies of the child study team are appropriate, and the
2815 parent still refuses to participate or cooperate, the district
2816 school superintendent may seek criminal prosecution for
2817 noncompliance with compulsory school attendance.

2818 (f)1. If the parent of a child who has been identified as
2819 exhibiting a pattern of nonattendance enrolls the child in a
2820 home education program pursuant to chapter 1002, the district
2821 school superintendent shall provide the parent a copy of s.
2822 1002.41 and the accountability requirements of this paragraph.
2823 The district school superintendent shall also refer the parent
2824 to a home education review committee composed of the district
2825 contact for home education programs and at least two home
2826 educators selected by the parent from a district list of all
2827 home educators who have conducted a home education program for
2828 at least 3 years and who have indicated a willingness to serve
2829 on the committee. The home education review committee shall
2830 review the portfolio of the student, as defined by s. 1002.41,
2831 every 30 days during the district's regular school terms until
2832 the committee is satisfied that the home education program is in
2833 compliance with s. 1002.41(1)(d). The first portfolio review
2834 must occur within the first 30 calendar days after ~~of~~ the
2835 establishment of the program. The provisions of subparagraph 2.
2836 do not apply once the committee determines the home education
2837 program is in compliance with s. 1002.41(1)(d).

2838 2. If the parent fails to provide a portfolio to the
2839 committee, the committee shall notify the district school
2840 superintendent. The district school superintendent shall then
2841 terminate the home education program and require the parent to
2842 enroll the child in an attendance option that meets the

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2843 definition of the term "regular school attendance" under s.
 2844 1003.01(16) (a), (b), (c), or (e), within 3 days. Upon
 2845 termination of a home education program pursuant to this
 2846 subparagraph, the parent shall not be eligible to reenroll the
 2847 child in a home education program for 180 calendar days. Failure
 2848 of a parent to enroll the child in an attendance option as
 2849 required by this subparagraph after termination of the home
 2850 education program pursuant to this subparagraph shall constitute
 2851 noncompliance with the compulsory attendance requirements of s.
 2852 1003.21 and may result in criminal prosecution under s.
 2853 1003.27(2). Nothing contained herein shall restrict the ability
 2854 of the district school superintendent, or the ability of his or
 2855 her designee, to review the portfolio pursuant to s.
 2856 1002.41(1)(e).

2857 (g) If a student subject to compulsory school attendance
 2858 will not comply with attempts to enforce school attendance, the
 2859 parent or the district school superintendent or his or her
 2860 designee must ~~shall~~ refer the case to the Department of Juvenile
 2861 Justice's authorized agent, which shall then offer voluntary
 2862 family services, and schedule a meeting of the case staffing
 2863 committee pursuant to s. 984.12 if the services do not remediate
 2864 the child's truancy, and the district school superintendent or
 2865 his or her designee may file a truancy petition pursuant to the
 2866 procedures in s. 984.151.

2867 (h) If a student subject to compulsory school attendance is
 2868 responsive to the interventions described in this section and
 2869 has completed the necessary requirements to pass the current
 2870 grade as indicated in the district pupil progression plan, the
 2871 student may not be determined to be a habitual truant and shall

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2872 be promoted.
 2873 (2) GIVE WRITTEN NOTICE.—
 2874 (a) Under the direction of the district school
 2875 superintendent, a designated school representative must provide
 2876 ~~shall give~~ written notice in person or by return-receipt mail to
 2877 the parent, requiring the child's that requires enrollment or
 2878 attendance within 3 days after the date of notice, ~~in person or~~
 2879 ~~by return-receipt mail, to the parent~~ when no valid reason is
 2880 found for a student's nonenrollment in school if the child is
 2881 under compulsory education requirements, and is not exempt. If
 2882 the child is not enrolled or in attendance in school within 3
 2883 days after the notice being provided and requirement are
 2884 ~~ignored~~, the designated school representative must ~~shall~~ report
 2885 the case to the district school superintendent, who must ~~may~~
 2886 refer the case to the child study team in paragraph (1)(b) at
 2887 the school the student would be assigned according to district
 2888 school board attendance area policies. In addition, the
 2889 designated school representative may refer the case to the
 2890 Department of Juvenile Justice's authorized agent for families
 2891 in need of services ~~or to the case staffing committee,~~
 2892 ~~established pursuant to s. 984.12~~. The child study team must
 2893 ~~shall~~ diligently facilitate intervention services and ~~shall~~
 2894 report the case back to the district school superintendent
 2895 within 15 days after referral of the case if only when all
 2896 reasonable efforts to resolve the nonenrollment behavior have
 2897 been made and the child is still not attending school are
 2898 ~~exhausted~~. If the parent ~~still~~ refuses to cooperate or enroll
 2899 the child in school within 15 days after referral of the case to
 2900 the child study team, the district school superintendent must

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2901 make a report to law enforcement and refer the case to the
 2902 Office of the State Attorney shall take such steps as are
 2903 ~~necessary~~ to bring criminal prosecution against the parent.

2904 (b) Subsequent to referring the case to the Office of the
 2905 State Attorney the activities required under subsection (1), the
 2906 district school superintendent or his or her designee must ~~shall~~
 2907 give written notice in person or by return-receipt mail to the
 2908 parent that criminal prosecution is being sought for
 2909 nonattendance. The district school superintendent may file a
 2910 truancy petition, as defined in s. 984.03, following the
 2911 procedures outlined in s. 984.151.

2912 (3) RETURN STUDENT TO PARENT.— A designated school
 2913 representative may visit the home or place of residence of a
 2914 student and any other place in which he or she is likely to find
 2915 any student who is required to attend school when the student is
 2916 not enrolled or is absent from school during school hours
 2917 without an excuse, and, when the student is found, shall return
 2918 the student to his or her parent or to the principal or teacher
 2919 in charge of the school, or to the private tutor from whom
 2920 absent. If the parent cannot be located or is unavailable to
 2921 take custody of the child, and the child is not to be presented
 2922 to the child's school or tutor, the youth shall be referred to
 2923 the Department of Juvenile Justice's shelter, to another
 2924 facility, or to the juvenile assessment center or other location
 2925 established by the district school board to receive students who
 2926 are absent from school. Upon receipt of the student, the parent
 2927 shall be immediately notified.

2928 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
 2929 representative shall report to the appropriate authority

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2930 designated by law to receive such notices, all violations of the
 2931 Child Labor Law that may come to his or her knowledge.

2932 (5) RIGHT TO INSPECT.—A designated school representative
 2933 shall have the right of access to, and inspection of,
 2934 establishments where minors may be employed or detained only for
 2935 the purpose of ascertaining whether students of compulsory
 2936 school age are actually employed there and are actually working
 2937 there regularly. The designated school representative shall, if
 2938 he or she finds unsatisfactory working conditions or violations
 2939 of the Child Labor Law, report his or her findings to the
 2940 appropriate authority.

2941 Section 32. Subsections (2), (3), (4), (6), and (7) of
 2942 section 1003.27, Florida Statutes, are amended to read:

2943 1003.27 Court procedure and penalties.—The court procedure
 2944 and penalties for the enforcement of the provisions of this
 2945 part, relating to compulsory school attendance, shall be as
 2946 follows:

2947 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2948 (a) ~~In each case of nonenrollment or of nonattendance upon~~
 2949 ~~the part of a student who is required to attend some school,~~
 2950 ~~when no valid reason for such nonenrollment or nonattendance is~~
 2951 ~~found,~~ The district school superintendent shall institute a
 2952 criminal prosecution against the student's parent, in each case
 2953 of nonenrollment or of nonattendance of a student who is
 2954 required to attend school, when no valid reason for the
 2955 nonenrollment or nonattendance is found. ~~However,~~ Criminal
 2956 prosecution may not be instituted against the student's parent
 2957 until the school and school district have complied with s.
 2958 1003.26.

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2959 (b) Each public school principal or the principal's
 2960 designee ~~must shall~~ notify the district school board of each
 2961 minor student under its jurisdiction who accumulates 15
 2962 unexcused absences in a period of 90 calendar days. Reports
 2963 shall be made to the district school board at the end of each
 2964 school quarter. The calculation of 15 absences within 90 days
 2965 are determined based on calendar days and are not limited to the
 2966 span of one school quarter during which the nonattendance begins
 2967 or ends. The district school board shall verify the schools
 2968 reporting 15 or more unexcused absences within a 90-day period
 2969 have complied with the requirements of remediating truancy at
 2970 the school level or pursuing appropriate court intervention as
 2971 provided in this section. Any school not meeting the
 2972 requirements in this paragraph shall provide a remedial action
 2973 plan to the school board within 30 days, and follow up within 90
 2974 days to confirm all truancy cases have been addressed either
 2975 through the child's enrollment and regular attendance or
 2976 referral of the case to the appropriate court or agency to
 2977 pursue court intervention.

2978 (c) The district school superintendent must provide the
 2979 Department of Highway Safety and Motor Vehicles the legal name,
 2980 sex, date of birth, and social security number of each minor
 2981 student who has been reported under this paragraph and who fails
 2982 to otherwise satisfy the requirements of s. 322.091. The
 2983 Department of Highway Safety and Motor Vehicles may not issue a
 2984 driver license or learner's driver license to, and shall suspend
 2985 any previously issued driver license or learner's driver license
 2986 of, any such minor student, pursuant ~~to the provisions of~~ s.
 2987 322.091.

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2988 ~~(d)(e)~~ Each designee of the governing body of each private
 2989 school and each parent whose child is enrolled in a home
 2990 education program or personalized education program may provide
 2991 the Department of Highway Safety and Motor Vehicles with the
 2992 legal name, sex, date of birth, and social security number of
 2993 each minor student under his or her jurisdiction who fails to
 2994 satisfy relevant attendance requirements and who fails to
 2995 otherwise satisfy the requirements of s. 322.091. The Department
 2996 of Highway Safety and Motor Vehicles may not issue a driver
 2997 license or learner's driver license to, and shall suspend any
 2998 previously issued driver license or learner's driver license of,
 2999 any such minor student pursuant to s. 322.091.

3000 (3) HABITUAL TRUANCY CASES.— The district school
 3001 superintendent may is authorized to file a truancy petition
 3002 seeking early truancy intervention, as defined in s. 984.03,
 3003 following the procedures outlined in s. 984.151. If the district
 3004 school superintendent chooses not to file a truancy petition,
 3005 the case must be referred to the Department of Juvenile
 3006 Justice's authorized agent for families in need of services. The
 3007 procedures for filing a child in need of services ~~child-in-need-~~
 3008 ~~of-services~~ petition ~~must shall~~ be commenced pursuant to this
 3009 subsection and chapter 984 if voluntary family services do not
 3010 remediate the child's truancy. The. ~~In accordance with~~
 3011 ~~procedures established by the district school board, the~~
 3012 designated school representative ~~must shall~~ refer a student who
 3013 is a habitual ~~habitually~~ truant and the student's family to the
 3014 Department of Juvenile Justice's designated children in need of
 3015 services provider for provision of voluntary services, and may
 3016 refer the case to children-in-need-of-services and families-in-

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3017 ~~need of services provider or~~ the case staffing committee,
 3018 established pursuant to s. 984.12, following the referral
 3019 process established by the cooperative interagency agreement as
 3020 ~~determined by the cooperative agreement required in this~~
 3021 ~~section.~~ The case staffing committee may request the Department
 3022 of Juvenile Justice or its designee to file a petition for child
 3023 in need of services ~~child-in-need-of-services petition~~ based
 3024 upon the report and efforts of the district school board or
 3025 other community agency, and early truancy intervention by the
 3026 circuit court, after review and an initial meeting, or may seek
 3027 to resolve the truant behavior through the school or community-
 3028 based organizations or other state or local agencies. Prior to
 3029 ~~and subsequent to~~ the filing of a child-in-need-of-services
 3030 petition for a child in need of services due to habitual
 3031 truancy, the appropriate governmental agencies must allow a
 3032 reasonable time to complete actions required by this section and
 3033 ss. 984.11 and s. 1003.26 to remedy the conditions leading to
 3034 the truant behavior. Prior to the filing of a petition, the
 3035 district school board must have complied with the requirements
 3036 of s. 1003.26, and those efforts must have been unsuccessful.

3037 (4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~
 3038 Department of Juvenile Justice's authorized agent ~~Justice or his~~
 3039 ~~or her designee, the circuit manager's designee, the district~~
 3040 ~~administrator of the Department of Children and Families or the~~
 3041 ~~district administrator's designee,~~ and the district school
 3042 superintendent or his or her ~~the superintendent's~~ designee must
 3043 develop a cooperative interagency agreement that:

3044 (a) Clearly defines each department's role, responsibility,
 3045 and function in working with ~~habitual~~ truants and their

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3046 families.

3047 (b) Identifies and implements measures to quickly resolve
 3048 and reduce truant behavior.

3049 (c) Addresses issues of streamlining service delivery, the
 3050 appropriateness of legal intervention, case management, the role
 3051 and responsibility of the case staffing committee, student and
 3052 parental intervention and involvement, and community action
 3053 plans.

3054 (d) Delineates timeframes for implementation and identifies
 3055 a mechanism for reporting results by the Department of Juvenile
 3056 Justice or its authorized agent ~~circuit juvenile justice manager~~
 3057 ~~or the circuit manager's designee~~ and the district school
 3058 superintendent or the superintendent's designee to the
 3059 Department of Juvenile Justice and the Department of Education
 3060 and other governmental entities as needed.

3061 (e) Designates which agency is responsible for each of the
 3062 intervention steps in this section, to yield more effective and
 3063 efficient intervention services.

3064 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
 3065 Proceedings or prosecutions under this chapter may be commenced
 3066 by the district school superintendent or his or her designee, ~~by~~
 3067 ~~a designated school representative, by the probation officer of~~
 3068 ~~the county, by the executive officer of any court of competent~~
 3069 ~~jurisdiction, by an officer of any court of competent~~
 3070 ~~jurisdiction,~~ or by a duly authorized agent of the Department of
 3071 Education or the Department of Juvenile Justice, by a parent, or
 3072 in the case of a criminal prosecution, by the Office of the
 3073 State Attorney. If a proceeding has been commenced against both
 3074 a parent and a child pursuant to this chapter, the presiding

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3075 courts shall make every effort to coordinate services or
 3076 sanctions against the child and parent, including ordering the
 3077 child and parent to perform community service hours or attend
 3078 counseling together.

3079 (7) PENALTIES.—The penalties for refusing or failing to
 3080 comply with this chapter shall be as follows:

3081 (a) *The parent.*—

3082 1. A parent who refuses or fails to have a minor student
 3083 who is under his or her control attend school regularly, or who
 3084 refuses or fails to comply with the requirements in subsection
 3085 (3), commits a misdemeanor of the second degree, punishable as
 3086 provided in s. 775.082 or s. 775.083.

3087 2. The continued or habitual absence of a minor student
 3088 without the consent of the principal or teacher in charge of the
 3089 school he or she attends or should attend, or of the tutor who
 3090 instructs or should instruct him or her, is prima facie evidence
 3091 of a violation of this chapter; however, a showing that the
 3092 parent has made a bona fide and diligent effort to control and
 3093 keep the student in school shall be an affirmative defense to
 3094 any criminal or other liability under this subsection and the
 3095 court shall refer the parent and child for counseling, guidance,
 3096 or other needed services.

3097 3. In addition to any other sanctions authorized under s.
 3098 984.151 ~~punishment~~, the court shall order a parent who has
 3099 violated this section to send the minor student to school, and
 3100 may also order the parent to participate in an approved parent
 3101 training class, attend school with the student unless this would
 3102 cause undue hardship or is prohibited by rules or policy of the
 3103 school board, perform community service hours ~~at the school~~, or

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3104 participate in counseling or other services, as appropriate. If
 3105 a parent is ordered to attend school with a student, the school
 3106 shall provide for programming to educate the parent and student
 3107 on the importance of school attendance. It shall be unlawful to
 3108 terminate any employee solely because he or she is attending
 3109 school with his or her child pursuant to a court order.

3110 (b) *The principal or teacher.*—A principal or teacher in any
 3111 public, parochial, religious, denominational, or private school,
 3112 or a private tutor who willfully violates any provision of this
 3113 chapter may, upon satisfactory proof of such violation, have his
 3114 or her certificate revoked by the Department of Education.

3115 (c) *The employer.*—

3116 1. An employer who fails to notify the district school
 3117 superintendent when he or she ceases to employ a student commits
 3118 a misdemeanor of the second degree, punishable as provided in s.
 3119 775.082 or s. 775.083.

3120 2. An employer who terminates any employee solely because
 3121 he or she is attending school with a student pursuant to court
 3122 order commits a misdemeanor of the second degree, punishable as
 3123 provided in s. 775.082 or s. 775.083.

3124 (d) *The student.*—

3125 ~~+~~ In addition to any other sanctions authorized under s.
 3126 984.151 ~~sanctions~~, the court shall order a student found to be a
 3127 ~~habitual~~ truant to make up all school work missed and attend
 3128 school daily with no unexcused absences or tardiness, and may
 3129 order the child to ~~and may order the student to pay a civil~~
 3130 ~~penalty of up to \$2, based on the student's ability to pay, for~~
 3131 ~~each day of school missed, perform up to 25 community service~~
 3132 ~~hours at the school, or~~ participate in counseling or other

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3133 services, as appropriate.

3134 ~~2. Upon a second or subsequent finding that a student is a~~
 3135 ~~habitual truant, the court, in addition to any other authorized~~
 3136 ~~sanctions, shall order the student to make up all school work~~
 3137 ~~missed and may order the student to pay a civil penalty of up to~~
 3138 ~~\$5, based on the student's ability to pay, for each day of~~
 3139 ~~school missed, perform up to 50 community service hours at the~~
 3140 ~~school, or participate in counseling or other services, as~~
 3141 ~~appropriate.~~

3142 Section 33. Paragraph (g) is added to subsection (7) of
 3143 section 381.02035, Florida Statutes, to read:

3144 381.02035 Canadian Prescription Drug Importation Program.—

3145 (7) ELIGIBLE IMPORTERS.—The following entities may import
 3146 prescription drugs from an eligible Canadian supplier under the
 3147 program:

3148 (g) A pharmacist or wholesaler employed by or under
 3149 contract with the Department of Juvenile Justice, for dispensing
 3150 to juveniles in the custody of the Department of Juvenile
 3151 Justice.

3152 Section 34. Paragraph (a) of subsection (5) of section
 3153 790.22, Florida Statutes, is amended to read:

3154 790.22 Use of BB guns, air or gas-operated guns, or
 3155 electric weapons or devices by minor under 16; limitation;
 3156 possession of firearms by minor under 18 prohibited; penalties.—

3157 (5) (a) A minor who violates subsection (3):

3158 1. For a first offense, commits a misdemeanor of the first
 3159 degree; shall serve a period of detention of up to 5 days in a
 3160 secure detention facility, with credit for time served in secure
 3161 detention prior to disposition; and shall be required to perform

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3162 100 hours of community service or paid work as determined by the
 3163 department.

3164 2. For a second or subsequent offense, commits a felony of
 3165 the third degree. For a second offense, the minor shall serve a
 3166 period of detention of up to 21 days in a secure detention
 3167 facility, with credit for time served in secure detention prior
 3168 to disposition, and shall be required to perform not less than
 3169 100 nor more than 250 hours of community service or paid work as
 3170 determined by the department. For a third or subsequent offense,
 3171 the minor shall be adjudicated delinquent and committed to a
 3172 residential program. A finding by a court that a minor committed
 3173 a violation of this section, regardless of whether the court
 3174 adjudicates the minor delinquent or withholds adjudication of
 3175 delinquency, withhold of adjudication of delinquency shall be
 3176 considered a prior offense for the purpose of determining a
 3177 second, third, or subsequent offense.

3178
 3179 For the purposes of this subsection, community service shall be
 3180 performed, if possible, in a manner involving a hospital
 3181 emergency room or other medical environment that deals on a
 3182 regular basis with trauma patients and gunshot wounds.

3183 Section 35. Paragraph (a) of subsection (2) of section
 3184 985.12, Florida Statutes, is amended to read:

3185 985.12 Prearrest delinquency citation programs.—

3186 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM
 3187 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

3188 (a) A prearrest delinquency citation program for
 3189 misdemeanor offenses shall be established in each judicial
 3190 circuit in the state. The state attorney and public defender of

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3191 each circuit, the clerk of the court for each county in the
 3192 circuit, and representatives of participating law enforcement
 3193 agencies in the circuit shall create a prearrest delinquency
 3194 citation program and develop its policies and procedures. In
 3195 developing the program's policies and procedures, input from
 3196 other interested stakeholders may be solicited. ~~The department~~
 3197 ~~shall annually develop and provide guidelines on best practice~~
 3198 ~~models for prearrest delinquency citation programs to the~~
 3199 ~~judicial circuits as a resource.~~

3200 Section 36. Subsection (5) of section 985.126, Florida
 3201 Statutes, is amended to read:

3202 985.126 Prearrest and postarrest diversion programs; data
 3203 collection; denial of participation or expunged record.—

3204 (5) The department shall provide a quarterly report to be
 3205 published on its website and distributed to the Governor,
 3206 President of the Senate, and Speaker of the House of
 3207 Representatives listing the entities that use prearrest
 3208 delinquency citations for less than 80 ~~70~~ percent of first-time
 3209 misdemeanor offenses.

3210 Section 37. Paragraph (c) of subsection (1) of section
 3211 985.25, Florida Statutes, is amended to read:

3212 985.25 Detention intake.—

3213 (1) The department shall receive custody of a child who has
 3214 been taken into custody from the law enforcement agency or court
 3215 and shall review the facts in the law enforcement report or
 3216 probable cause affidavit and make such further inquiry as may be
 3217 necessary to determine whether detention care is appropriate.

3218 (c) If the final score on the child's risk assessment
 3219 instrument indicates detention care is appropriate, but the

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3220 department otherwise determines the child should be released,
 3221 the department shall contact the state attorney, who may
 3222 authorize release. If the final score on the child's risk
 3223 assessment instrument indicates release or supervised release is
 3224 appropriate, but the department otherwise determines that there
 3225 should be supervised release or detention, the department shall
 3226 contact the state attorney, who may authorize an upward
 3227 departure. Notwithstanding any other provision of this
 3228 paragraph, a child may only be moved one category in either
 3229 direction within the risk assessment instrument and release is
 3230 not authorized if it would cause the child to be moved more than
 3231 one category.

3232
 3233 Under no circumstances shall the department or the state
 3234 attorney or law enforcement officer authorize the detention of
 3235 any child in a jail or other facility intended or used for the
 3236 detention of adults, without an order of the court.

3237 Section 38. Paragraph (c) of subsection (7) of section
 3238 985.433, Florida Statutes, is amended to read:

3239 985.433 Disposition hearings in delinquency cases.—When a
 3240 child has been found to have committed a delinquent act, the
 3241 following procedures shall be applicable to the disposition of
 3242 the case:

3243 (7) If the court determines that the child should be
 3244 adjudicated as having committed a delinquent act and should be
 3245 committed to the department, such determination shall be in
 3246 writing or on the record of the hearing. The determination shall
 3247 include a specific finding of the reasons for the decision to
 3248 adjudicate and to commit the child to the department, including

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3249 any determination that the child was a member of a criminal
 3250 gang.

3251 (c) The court may also require that the child be placed on
 3252 conditional release in a probation program following the child's
 3253 discharge from commitment. Community-based sanctions under
 3254 subsection (8) may be imposed by the court at the disposition
 3255 hearing or at any time prior to the child's release from
 3256 commitment.

3257 Section 39. Section 985.625, Florida Statutes, is repealed.
 3258 Section 40. Subsection (4) of section 985.632, Florida
 3259 Statutes, is amended to read:

3260 985.632 Quality improvement and cost-effectiveness;
 3261 Comprehensive Accountability Report.-

3262 ~~(4) COST-EFFECTIVENESS MODEL. The department, in~~
 3263 ~~consultation with the Office of Economic and Demographic~~
 3264 ~~Research and contract service providers, shall develop a cost-~~
 3265 ~~effectiveness model and apply the model to each commitment~~
 3266 ~~program.~~

3267 ~~(a) The cost-effectiveness model shall compare program~~
 3268 ~~costs to expected and actual child recidivism rates. It is the~~
 3269 ~~intent of the Legislature that continual development efforts~~
 3270 ~~take place to improve the validity and reliability of the cost-~~
 3271 ~~effectiveness model.~~

3272 ~~(b) The department shall rank commitment programs based on~~
 3273 ~~the cost-effectiveness model, performance measures, and~~
 3274 ~~adherence to quality improvement standards and shall report this~~
 3275 ~~data in the annual Comprehensive Accountability Report.~~

3276 ~~(c) Based on reports of the department on child outcomes~~
 3277 ~~and program outputs and on the department's most recent cost-~~

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3278 ~~effectiveness rankings, the department may terminate a program~~
 3279 ~~operated by the department or a provider if the program has~~
 3280 ~~failed to achieve a minimum standard of program effectiveness.~~
 3281 ~~This paragraph does not preclude the department from terminating~~
 3282 ~~a contract as provided under this section or as otherwise~~
 3283 ~~provided by law or contract, and does not limit the department's~~
 3284 ~~authority to enter into or terminate a contract.~~

3285 ~~(d) In collaboration with the Office of Economic and~~
 3286 ~~Demographic Research, and contract service providers, the~~
 3287 ~~department shall develop a work plan to refine the cost-~~
 3288 ~~effectiveness model so that the model is consistent with the~~
 3289 ~~performance based program budgeting measures approved by the~~
 3290 ~~Legislature to the extent the department deems appropriate. The~~
 3291 ~~department shall notify the Office of Program Policy Analysis~~
 3292 ~~and Government Accountability of any meetings to refine the~~
 3293 ~~model.~~

3294 ~~(e) Contingent upon specific appropriation, the department,~~
 3295 ~~in consultation with the Office of Economic and Demographic~~
 3296 ~~Research, and contract service providers, shall:~~

3297 1. ~~Construct a profile of each commitment program that uses~~
 3298 ~~the results of the quality improvement data portion of the~~
 3299 ~~Comprehensive Accountability Report required by this section,~~
 3300 ~~the cost-effectiveness data portion of the Comprehensive~~
 3301 ~~Accountability Report required in this subsection, and other~~
 3302 ~~reports available to the department.~~

3303 2. ~~Target, for a more comprehensive evaluation, any~~
 3304 ~~commitment program that has achieved consistently high, low, or~~
 3305 ~~disparate ratings in the reports required under subparagraph 1.~~
 3306 ~~and target, for technical assistance, any commitment program~~

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3307 ~~that has achieved low or disparate ratings in the reports~~
 3308 ~~required under subparagraph 1.~~

3309 ~~3. Identify the essential factors that contribute to the~~
 3310 ~~high, low, or disparate program ratings.~~

3311 ~~4. Use the results of these evaluations in developing or~~
 3312 ~~refining juvenile justice programs or program models, child~~
 3313 ~~outcomes and program outputs, provider contracts, quality~~
 3314 ~~improvement standards, and the cost-effectiveness model.~~

3315 Section 41. Subsection (8) of section 95.11, Florida
 3316 Statutes, is amended to read:

3317 95.11 Limitations other than for the recovery of real
 3318 property.—Actions other than for recovery of real property shall
 3319 be commenced as follows:

3320 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded
 3321 on alleged abuse, as defined in s. 39.01 ~~or~~ s. 415.102, ~~or s.~~
 3322 ~~984.03~~; incest, as defined in s. 826.04; or an action brought
 3323 pursuant to s. 787.061 may be commenced at any time within 7
 3324 years after the age of majority, or within 4 years after the
 3325 injured person leaves the dependency of the abuser, or within 4
 3326 years from the time of discovery by the injured party of both
 3327 the injury and the causal relationship between the injury and
 3328 the abuse, whichever occurs later.

3329 Section 42. Subsection (1) of section 409.2564, Florida
 3330 Statutes, is amended to read:

3331 409.2564 Actions for support.—

3332 (1) In each case in which regular support payments are not
 3333 being made as provided herein, the department shall institute,
 3334 within 30 days after determination of the obligor's reasonable
 3335 ability to pay, action as is necessary to secure the obligor's

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3336 payment of current support, any arrearage that may have accrued
 3337 under an existing order of support, and, if a parenting time
 3338 plan was not incorporated into the existing order of support,
 3339 include either a signed, agreed-upon parenting time plan or a
 3340 signed Title IV-D Standard Parenting Time Plan, if appropriate.
 3341 The department shall notify the program attorney in the judicial
 3342 circuit in which the recipient resides setting forth the facts
 3343 in the case, including the obligor's address, if known, and the
 3344 public assistance case number. Whenever applicable, the
 3345 procedures established under chapter 88, Uniform Interstate
 3346 Family Support Act, chapter 61, Dissolution of Marriage;
 3347 Support; Time-sharing, chapter 39, Proceedings Relating to
 3348 Children, chapter 984, Children and Families in Need of
 3349 Services; Prevention and Intervention for School Truancy and
 3350 Ungovernable and Runaway Children, and chapter 985, Delinquency;
 3351 Interstate Compact on Juveniles, may govern actions instituted
 3352 under this act, except that actions for support under chapter
 3353 39, chapter 984, or chapter 985 brought pursuant to this act
 3354 shall not require any additional investigation or supervision by
 3355 the department.

3356 Section 43. Paragraph (e) of subsection (1) of section
 3357 419.001, Florida Statutes, is amended to read:

3358 419.001 Site selection of community residential homes.—

3359 (1) For the purposes of this section, the term:

3360 (e) "Resident" means any of the following: a frail elder as
 3361 defined in s. 429.65; a person who has a disability as defined
 3362 in s. 760.22(3)(a); a person who has a developmental disability
 3363 as defined in s. 393.063; a nondangerous person who has a mental
 3364 illness as defined in s. 394.455; or a child who is found to be

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3365 dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in
 3366 need of services as defined in s. 984.03 ~~or s. 985.03~~.

3367 Section 44. Subsection (3) of section 744.309, Florida
 3368 Statutes, is amended to read:

3369 744.309 Who may be appointed guardian of a resident ward.—

3370 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 3371 of a felony or who, from any incapacity or illness, is incapable
 3372 of discharging the duties of a guardian, or who is otherwise
 3373 unsuitable to perform the duties of a guardian, shall be
 3374 appointed to act as guardian. Further, no person who has been
 3375 judicially determined to have committed abuse, abandonment, or
 3376 neglect against a child as defined in s. 39.01 or s. 984.03(1),
 3377 (2), and (24) (37), or who has been found guilty of, regardless
 3378 of adjudication, or entered a plea of nolo contendere or guilty
 3379 to, any offense prohibited under s. 435.04 or similar statute of
 3380 another jurisdiction, shall be appointed to act as a guardian.
 3381 Except as provided in subsection (5) or subsection (6), a person
 3382 who provides substantial services to the proposed ward in a
 3383 professional or business capacity, or a creditor of the proposed
 3384 ward, may not be appointed guardian and retain that previous
 3385 professional or business relationship. A person may not be
 3386 appointed a guardian if he or she is in the employ of any
 3387 person, agency, government, or corporation that provides service
 3388 to the proposed ward in a professional or business capacity,
 3389 except that a person so employed may be appointed if he or she
 3390 is the spouse, adult child, parent, or sibling of the proposed
 3391 ward or the court determines that the potential conflict of
 3392 interest is insubstantial and that the appointment would clearly
 3393 be in the proposed ward's best interest. The court may not

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3394 appoint a guardian in any other circumstance in which a conflict
 3395 of interest may occur.

3396 Section 45. Section 784.075, Florida Statutes, is amended
 3397 to read:

3398 784.075 Battery on detention or commitment facility staff
 3399 or a juvenile probation officer.—A person who commits a battery
 3400 on a juvenile probation officer, as defined in ~~s. 984.03~~ ~~or s.~~
 3401 985.03, on other staff of a detention center or facility as
 3402 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff
 3403 member of a commitment facility as defined in s. 985.03, commits
 3404 a felony of the third degree, punishable as provided in s.
 3405 775.082, s. 775.083, or s. 775.084. For purposes of this
 3406 section, a staff member of the facilities listed includes
 3407 persons employed by the Department of Juvenile Justice, persons
 3408 employed at facilities licensed by the Department of Juvenile
 3409 Justice, and persons employed at facilities operated under a
 3410 contract with the Department of Juvenile Justice.

3411 Section 46. Paragraph (b) of subsection (4) of section
 3412 985.618, Florida Statutes, is amended to read:

3413 985.618 Educational and career-related programs.—

3414 (4)

3415 (b) Evaluations of juvenile educational and career-related
 3416 programs shall be conducted according to the following
 3417 guidelines:

3418 1. Systematic evaluations and quality assurance monitoring
 3419 shall be implemented, in accordance with s. 985.632(1), (2), and
 3420 (4) (5), to determine whether the programs are related to
 3421 successful postrelease adjustments.

3422 2. Operations and policies of the programs shall be

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3423 reevaluated to determine if they are consistent with their
3424 primary objectives.

3425 Section 47. This act shall take effect July 1, 2025.

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 1344

INTRODUCER: Criminal Justice Committee and Senator Simon

SUBJECT: Juvenile Justice

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</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>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1344 amends numerous sections of ch. 984, F.S., concerning ungovernable, runaway and truant youth and prevention services. The bill clarifies the process for voluntary and court ordered intervention services and aligns the language with current practices within the Department of Juvenile Justice (DJJ).

The bill renames ch. 984, F.S., the Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children. The bill provides that the purposes for this chapter are judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm. Additionally, it is the purpose of this chapter to provide a court process for the limited purpose of early truancy intervention. Legislative intent is further revised to ensure that the child and family receive appropriate services and have access to representation by a trained advocate during court proceedings. The bill provides when a family is eligible for voluntary services, what services may be included, and the role of a case staffing committee and child study teams.

The bill provides that the circuit court has exclusive jurisdiction over judicial proceedings involving early truancy intervention, the court processes, and guidelines for the relinquishment of such jurisdiction. A child must be represented by counsel if a petition is filed alleging that he or she is in need of services, or if he or she is subject to contempt proceedings. Guidelines for

appointing counsel for an indigent child, waiving counsel, or enforcing the nonindigent parents or legal guardian of an indigent child to employ counsel are provided.

Additionally, the use of detention care or a secure detention facility intended for juvenile delinquents, or the use of a jail or similar facility, is prohibited, for a child under the jurisdiction of the court solely under ch. 984, F.S. A child who is held in direct or indirect contempt must be placed in shelter, and the bill provides guidance on the release of a child who has been taken into custody. The bill provides that a child taken into custody may be delivered to a hospital or public receiving facility when the child is suffering from a serious physical condition, mental illness crisis, or intoxication that threatens the safety of the child or others.

The bill may have an indeterminate workload impact on state and local governments. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Status Offenders

A status offense is a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. Offenses typically include truancy, running away from home, violating curfew, underage use of alcohol, and ungovernability.¹ Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary intervention services, through court order. Voluntary family services to families in need must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order.²

Family in Need of Services

The term "family in need of services" means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the DJJ or the Department of Children and Families (DCF) due to an adjudication of dependency or delinquency.³

¹ *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status_offenders.pdf (last visited March 21, 2025).

² *A Guide for Parents in Need*, Florida Network of youth and family services, available at https://floridanetwork.org/wp-content/uploads/2024/12/FN_Brochure_ENG_WITH-UPDATES_12.2.2023.pdf (last visited March 21, 2025).

³ Section 984.03(25), F.S.

Child in Need of Services

The term “child in need of services” means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the DJJ or the DCF for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

- To have persistently run away from the child’s parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child’s parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁴
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child’s parents or legal custodians and by the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁵ or
- To have persistently disobeyed the reasonable and lawful demands of the child’s parents or legal custodians, and to be beyond their control despite efforts by the child’s parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.⁶

Custody

A child may be taken into custody by a law enforcement officer who reasonably believes that:

- The child has run away from his or her parent, guardian, or other legal custodian; and,
- The child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child without unreasonable delay to the appropriate school system site.⁷

A child may also be taken into custody pursuant to a circuit court order or when the child voluntarily agrees to or requests services or placement in a shelter.

Shelter Placement

A child may be placed in a secure facility as punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has failed to comply with an alternative sanction. A delinquent child who has been held in contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility. Similarly, a child in need of services may be placed in a staff-secure shelter or staff-secure residential facility solely for children in need of services if placement is available. If placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.⁸

⁴ Section 984.03(9)(a), F.S.

⁵ Section 984.03(9)(b), F.S.

⁶ Section 984.03(9)(c), F.S.

⁷ Section 984.13, F.S.

⁸ Section 984.09, F.S.

Truancy

Children 6 to 16 years of age are required to regularly attend school. A delinquent child that attains the age of 16 is no longer subject to compulsory school attendance if the child files a formal declaration of intent to terminate school enrollment with the district school board.

A student who is subject to compulsory school attendance and has 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period the child is referred to the child study team to determine if early patterns of truancy are developing and intervene.⁹

When a designated school representative finds a truant student, the representative must “return the student to the parent, to the principal or teacher in charge of the school, to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school.”¹⁰

If a school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.¹¹

The petition must be filed in the circuit court in which the student is enrolled in school¹² and, once filed, must be heard by the court within 30 days.¹³ The student and the student’s parent or guardian must attend the hearing.¹⁴

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:

- The student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months;
- The student and the student’s parent or guardian to participate in homemaker or parent aide services;
- The student or the student’s parent or guardian to participate in intensive crisis counseling;
- The student or the student’s parent or guardian to participate in community mental health services if available and applicable;

⁹ Florida Department of Education, *Attendance & Enrollment Frequently Asked Questions*, available at <https://www.fldoe.org/how-do-i/attendance-enrollment.stml> (last visited on March 22, 2025).

¹⁰ Section 1003.26(3), F.S.

¹¹ Section 984.151, F.S.

¹² Section 984.151(2), F.S.

¹³ Section 984.151(5), F.S.

¹⁴ Section 984.151(6), F.S.

- The student and the student’s parent or guardian to participate in service provided by voluntary or community agencies as available; and,
- The student or the student’s parent or guardian to participate in vocational, job training, or employment services.¹⁵

Detention Intake

When a child is taken into custody by law enforcement under ch. 985, F.S., the DJJ must conduct a risk assessment to determine if the child should be placed in detention care. If the final score of the risk assessment indicates that detention care is not appropriate, the child may be released. If the final score indicates that detention care is appropriate, but the DJJ otherwise determines the child should be released, the DJJ must contact the state attorney who may authorize release.¹⁶

“Intake” means the initial acceptance and screening by the DJJ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

- The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate;¹⁷
- The referral of the child to another public or private agency when appropriate¹⁸; and,
- The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.¹⁹

Canadian Prescription Drug Importation Program

In 2019, the Canadian Prescription Drug Importation Program was established within the Agency for Healthcare Administration to supply the state with quality prescription drugs at a lower cost than what may be available in the US market.²⁰

Eligible importers include pharmacists or wholesalers employed by or under contract with:

- AHCA’s central pharmacy, for distribution to county health departments or free clinics.
- A Medicaid pharmacy for dispensing to the pharmacy’s Medicaid recipients;
- The Department of Corrections for dispensing to inmates in the custody of the department;
- A developmental disability center for dispensing to clients treated in the center;
- A treatment facility under s. 394.455, F.S., for dispensing to patients treated in the center, and,
- A forensic facility managed by the Agency for Persons with Disabilities for dispensing to clients in the facility.

¹⁵ Section 984.151(7), F.S.

¹⁶ Section 985.25(1), F.S.

¹⁷ Section 984.03(28)(a), F.S.

¹⁸ Section 984.03(28)(b), F.S.

¹⁹ Section 984.03(28)(c), F.S.

²⁰ Section 381.02035, F.S.

III. Effect of Proposed Changes:

The bill makes several changes to ch. 984, F.S., concerning ungovernable, runaway, and truant youth and prevention services. This bill clarifies the process for voluntary and court ordered intervention services, and aligns the language with current practices within the DJJ.

Section 1

The bill renames ch. 984, F.S., to “Children and Families in Need of Services; Prevention and intervention for School Truancy and Ungovernable and Runaway Children.”

Section 2 – Purposes and intent

The bill amends s. 984.01, F.S., to provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm, and to ensure due process through which children and other interested parties are assured fair hearings by a respectful and respected court and the recognition, protection, and enforcement of their constitutional and other legal rights.

Section 3 – Legislative intent for prevention and intervention

The bill amends s. 984.02, F.S., to revise the legislative intent for prevention and intervention to provide the children of this State with the following protections:

- Effective services or treatment to address physical, social, and emotional needs;
- Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities;
- Access to preventative services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior;
- Court intervention only when necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior;
- Access to representation by a trained advocate when court proceedings are initiated; and
- Supervision and services by skilled staff when temporary out of home placement is necessary.

Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian or custodian, and child.

The bill permits the DJJ to develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of a child, which place the child at risk of harm, and to allow for intervention before the child engages in a delinquent act.

Parents, custodians, and guardians are deemed by the state to be responsible for ensuring their children attend school and engage in education to prepare their children for their future.

The bill provides that it is the state's responsibility to make appropriate recommendations to address impediments of caretakers to fulfill their responsibilities through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services.

Section 4 – Definitions of terms used in Ch. 984, F.S.

The bill amends s. 984.03, F.S., to add, clarify, and remove definitions of the following terms as used in ch. 984, F.S.

- “Abandoned” or “abandonment” to have the same meaning as in s. 39.01(1), F.S.²¹
- “Abuse” to have the same meaning as in s. 39.01(2), F.S.²²
- “Adjudicatory hearing” to mean a hearing for the court to determine whether or not the facts support the allegations stated in the petition as provided for under s. 984.20(2), F.S., in child in need of services cases.
- “Authorized agent” or “designee” of the department to mean a person or agency assigned or designated by the DJJ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services and managing cases of children in need of services.
- “Child” or “juvenile” or “youth” to mean any unmarried person under the age of 18 who has not been emancipated by order of the court.
- “Child in need of services” to mean a child for whom there is no pending petition filed with the court alleging the child is delinquent under ch. 985, F.S., or the DCF for dependency under ch. 39, F.S. The child must also, pursuant to this chapter, be found by the court:
 - To have persistently run away from the child's parents or legal guardians, or custodians despite reasonable efforts of the parents, legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include participation by the child's parents, or legal guardian or custodians and the child in voluntary services, and treatment offered by the department or through its designated service provider.
 - To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and services offered by the department or its authorized agent or designated service provider; or
 - To be ungovernable by having persistently disobeyed the reasonable and lawful rules and demands of the child's parents, legal guardians, or custodians, and to be beyond their

²¹ Section 39.01, F.S., defines “Abandoned” or “abandonment” to mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

²² Section 39.01(2), F.S., defines “Abuse” to mean any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services.

- “Custodian” to mean any adult person exercising actual physical custody of the child and who is providing food, clothing, and care for the child in the absence of a parent or legal guardian.
- “Disposition hearing” to mean a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), F.S., in child in need of services cases.
- “Early truancy intervention” means action taken by a school or school district pursuant to s. 1003.26, F.S., to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, F.S., and may include judicial action pursuant to s. 984.151, F.S., or s. 1003.27, F.S.
- “Family” to mean a collective body of persons, consisting of a child and a parent, legal guardian, adult custodian, or adult relative, in which:
 - The persons reside in the same house or living unit; or
 - The parent, legal guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.
- “Family in need of services” to mean a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the DCF due to a finding of dependency under ch. 39, F.S.
- “Intake” to mean the initial acceptance and screening by the DJJ or its designated service provider of a referral from early truancy intervention court, a school board, or school requesting services; a request for assistance from a parent or child; or a compliant, law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family to determine the most appropriate course of action in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:
 - The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.
 - The referral of the child to another public or private agency when appropriate.
 - the recommendation by the assigned intake case manager of judicial handling when appropriate and warranted.

- “Habitual truant” has the shame meaning as in s. 1003.01(12), F.S.²³
- “Licenses child-caring agency” to mean a person, society, association, or agency licenses by the DCF to care for, receive, and board children, and includes shelters under this chapter.
- “Neglect” to mean the same meaning as in s. 39.01(53), F.S.²⁴
- “Needs assessment” to mean the gathering of information for the evaluation of a child’s physical, psychological, educational, vocational, and social condition and family environment related to the child’s need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, educational services, and other specialized services, as appropriate.
- “Neglect” has the same meaning as in s. 39.01(53), F.S.²⁵
- “Party” to mean the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest, or the child has failed to appear for a proceeding after having been noticed.
- “Physically secure shelter” to mean a locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226, F.S. A physically secure shelter unit shall provide supervision by shelter staff who are awake 24 hours a day.
- “Preventive services” to mean social services and other supportive and evaluation and intervention services provided to the child or the parent, legal guardian or custodian of the

²³ “Habitual truant” means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student’s parent, is subject to compulsory school attendance under s. 1003.211003.21(1) and (2)(a), F.S., and is not exempt under s. 1003.21(3) or s. 1003.24, F.S., or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), F.S., without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of ch. 984, F.S.

²⁴ Section 39.01(53), F.S., defines “Neglect” to occur when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

²⁵ “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Neglect of a child includes acts or omissions.

child for purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision or into the delinquency system. Social services and other supportive services may include the provision of assessment and screening services; individual group, or family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street.

- “Reunification services” to mean social services and other supportive services provided to the child and the parent of the child, legal guardian of the child, or the custodian of the child, whichever is applicable, for the purpose of assisting a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective time based on the presenting concerns at intake. Social services and other supportive services shall be consistent with the child’s need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.
- “Secure detention center or facility” to mean a physically restricting facility for the temporary care of children, pending adjudication of delinquency or disposition. A child subject to proceedings under this chapter or who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent act or violation of law, may not under any circumstances, be placed into a secure detention center or facility.
- “Shelter” to mean a department-approved shelter facility for the temporary care of runaway children placed for voluntary shelter respite upon request of the child or the child’s parent, legal guardian, or custodian or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09, F.S. Shelters must provide 24-hour continual supervision and must be licensed child care facilities.
- “Truancy petition” to mean a petition filed by the superintendent of schools under s. 984.151, F.S., for the purpose of early truancy intervention, alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period.
- “Truant status offender” to mean a child subject to the jurisdiction of the court under s. 957.151, F.S., who has been found by the court to be truant while subject to compulsory education. The court’s jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act.
- “Voluntary family services” to mean voluntary services provided by the department or an agency designated by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the DJJ or an agency designated by the department to provide voluntary services to families and children.

Section 5 - Early Truancy intervention; families in need of services and children in need of services

The bill amends s. 984.04, F.S., to provide that the DJJ shall be responsible for all nonjudicial proceedings involving family services for a family identified as a family in need of services. The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151, F.S., is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21, F.S.

Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15, F.S., or s. 984.151, F.S., when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

Section 6 – Oaths, records and confidential information

The bill amends s. 984.06, F.S., to expand the court's record retention policy to apply to any proceeding under ch. 984, F.S., instead of just children in need of services, and provides that information obtained by the district superintendent, school board employees, and school employees are included under the protection of confidentiality.

Section 7 – Right to counsel

The bill amends s. 984.07, F.S., to provide that when a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

A child in proceedings under s. 984.151, F.S., may have counsel appointed by the court if the court determines it is in the best interest of the child.

If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511, F.S., to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082, F.S. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.

A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082, F.S., if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082, F.S.

If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child's behavior, but despite their good faith efforts, the child's truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511, F.S.

If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need of services proceeding, such compensation may not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent and legal guardian.

The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082, F.S. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246, F.S.

Section 8 – Resources and information

The bill amends s. 984.071, F.S., to remove the DCF and the DOE from the requirements of developing an informative publication about children and families in need of services. The bill provides that the information guide shall be published in a written format for distribution and shall also be published on the DJJ'S website. The DOE and the DCF must each post the department's information guide on their respective websites.

Section 9 – Repeals ss. 984.08 and 984.085, F.S.

The bill repeals s. 984.08, related to attorney's fees, and s. 984.085, F.S., related to unmarried minors.

Section 10 – Prohibited use of detention

The bill creates s. 984.0861, F.S., to provide that a child under the jurisdiction of the court pursuant to this chapter may not be placed in:

- Any form of detention care intended for the use of alleged juvenile delinquents as authorized under ch.985, F.S., for any purpose.
- A secure detention facility authorized for use under ch. 986, F.S., for any purpose.
- Any jail or other similar facility used for the purpose of detention or confinement of adults, for any purpose.

Section 11 – Punishment for contempt of court

The bill amends s. 984.09, F.S., to provide that it is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and detention facilities as set forth in s. 984.0861, F.S.²⁶

A child adjudicated as a child in need of services may be placed solely in a shelter for purposes of punishment for contempt of court only if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. Such shelter must be operated by or contracted with the DJJ.

A child subject to proceedings under s. 984.151, F.S., who has been held in direct contempt or indirect contempt may only be placed, for five days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or under contract with the DJJ for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed with placement in a secure facility. If the court orders shelter placement of a child in need of services, the court shall review the matter every 72 hours to determine whether it is appropriate for the child to remain in the facility.

Section 12 – Intake

The bill amends s. 984.10, F.S., to provide that a case manager be assigned by the designated provider at intake and requires the case manager to request consent for services and interagency information sharing from the parent, legal guardian, or custodian.

Section 13- Services to families

The bill amends s. 984.11, F.S., to provide that the DJJ or its designated service provider shall provide an array of voluntary family services aimed toward remediating school truancy, homelessness, and runaway and ungovernable behavior by children. The bill provides that the parent is responsible for using health care insurance to the extent it is available for the provision of health services.

A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under court-ordered supervision by the DJJ for delinquency under ch. 985, F.S., or by the DCF due to a finding of dependency under ch. 39, F.S. A child who has received a prearrest

²⁶ Section 984.0861, F.S.

delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

The bill provides that if there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the DCF agrees to the provision of services and makes a referral.

Section 14 – Case staffing; services and treatment related to a family in need of services

The bill amends s. 984.12, F.S., to provide that the DJJ shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services require the child and parent, legal guardian or custodian be invited to attend. A case staffing committee meeting must be convened within 30 days after the case is referred by the court.

The case staffing committee shall:

- Identify the family’s concerns and contributing factors;
- Request the family and child to identify their needs and concerns;
- Seek input from the school district and other persons in attendance with knowledge of the family or child’s situation and concerns;
- Consider the voluntary family services or other community services that have been offered and the results of those services;
- Identify whether truancy is a concern and the efforts made by the child study team to remedy the truancy; and
- Reach a timely decision to provide the child or family with services and recommend any appropriate treatment through the development of a plan for services.

A broad permission is given to any member of the case staffing committee to convene a meeting is clarified to include when the services in the plan are rejected or there is no progress. The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15 – Taking a child into custody

The bill amends s. 984.13, F.S., to provide that a child may be taken into custody:

- By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or custodian;
- By designated school representative or a law enforcement officer when the officer has reasonable grounds to believe the child is absent from school without authorization;
- Pursuant to a court order based on sworn testimony *after* a child in need of services petition is filed;
- Pursuant to a court order that the child has been found guilty of contempt under this chapter; and ,
- By a law enforcement officer when the child agrees to or requests services.

The person taking the child into custody shall:

- Release the child to a parent, legal guardian, custodian or responsible adult relative and make full report to the department's authorized agent for families in need of services within 3 days after release; or
- Deliver the child to a shelter when:
 - The parent or guardian is unavailable to take immediately custody;
 - The child has requested voluntary family services and shelter placement;
 - A court order for shelter placement has been issued; or,
 - The child and parent, legal guardian, or custodian voluntarily agree that the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.
- Deliver the child to a hospital for necessary evaluation and treatment if the child is believed to be suffering from a serious physical condition which requires either promote diagnosis or treatment.
- Deliver the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S., if the child is believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1), F.S.
- Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

Section 16 – Voluntary shelter services

The bill amends s. 984.14, F.S., to provide that the department shall provide temporary voluntary shelter services for the purpose of offering a safe environment that provides 24-hour care and supervision, referrals for services as needed, education at the center or off site, and counseling services for children.

If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the DJJ's designated shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine if the child can safely return home, or determine if the family is seeking temporary voluntary shelter services until the family can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the DCF shall be contacted to assume custody of the child.

Section 17 – Petition for a child in need of services

The bill amends s. 984.15, F.S., to provide that courts must check for both withholds of adjudication and adjudication of dependency or delinquency in its determination for legal sufficiency of a petition for a child in need of services. Provides that the DJJ must file the petition for a child in need of services as soon as practicable, removing the deadline of 45 days.

Section 18 – Early truancy intervention

The bill amends s. 984.151, F.S., to provide that if the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which

the reasons are unknown, with a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-day calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-day calendar period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender, shall order the student to attend school, and shall order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance. The court may order any of the following services:

- The student to participate in attendance at alternative classes;
- The student's parent, legal guardian, or custodian to participate in parenting classes;
- The student or the student's parent, legal guardian or custodian to participate in individual, group, or family counseling;
- The student or the student's parent, legal guardian, or custodian to participate in community mental health services or substance abuse treatment services if available and applicable;
- The student and the student's parent, legal guardian, or custodian to participate in services provided by state or community agencies, if appropriate, including services for families in need of services as provided in s. 984.11, F.S.;
- The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;
- The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or
- The student or the student's parent, legal or guardian, or custodian to participate in vocational or, job training.

If the student substantially complies with compulsory school attendance, the court shall close the truancy case.

If the student does not substantially comply with compulsory school attendance and court-ordered services required and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's designated service provider for review by the case staffing committee under s. 984.12, F.S., with a recommendation to file a petition for child in need of services s. 984.15, F.S. The court shall review the case not less than every 45 days to determine if the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee.

If the child is adjudicated a child in need of services pursuant to s. 984.21, F.S., the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04, F.S.

The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04, F.S.

The court may not order a child placed in shelter pursuant to this section unless the court finds the child in contempt for violation of a court order under s. 984.09, F.S.

Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09, F.S., two or more times shall be referred to the case staffing committee under s. 984.12, F.S., with a recommendation that the committee file a petition for a child in need of services.

The clerk of the circuit court shall serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's designated child in need of services provider.

Section 19 – Process and service for child in need of services petitions

The bill amends s. 984.16, F.S., providing that if a court takes action that directly involves a student's school, including but not limited to, an order that a student attend school, attend school with his or her parent, or an order that the parent participate in meetings, including parent-teacher conferences, Sections 504 plan meetings, or individualized education plan meetings to address the student's disability, the office of the clerk of the circuit court shall provide notice to the school of the court's action.

Section 20 – Response to petition and representation of parties

The bill amends s. 984.17, F.S., to specify when a guardian ad litem may be appointed for a child and revise provisions concerning representation of the department in which a child is alleged to be in need of services.

Section 21 – Repeal of s. 984.18, F.S.

The bill repeals s. 984.18, F.S., related to referral of child in need of services cases to mediation.

Section 22 – Medical screening and treatment of child

The bill amends s. 984.19, F.S., to provide that an authorized agent of the DJJ may have a medical screening provided for a child placed in shelter care, revising provisions concerning consent for medical care for a child in the care of the department.

Section 23 – Hearings

The bill amends s. 984.20, F.S., to provide that the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07, F.S.

Arraignment Hearing

- The court may grant a continuance of the arraignment hearing if the child or the parent, legal guardian, or custodian request a continuance to obtain an attorney and legal counsel requests a continuance. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation.
- Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition. The document containing the notice to respond or appear must contain, in type as large as the balance of the document.
- If a person appears for arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, then that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to a child in need of services adjudication.
- If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

Disposition Hearing

At the disposition hearing the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider. After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Review Hearing

The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work towards compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings.

The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The DJJ shall appear at the review hearing. If the child or parent, legal guardian, or custodian does not appear at a review hearing, the court may proceed with the hearing and enter orders that affect the child and family accordingly. The child's presence may be waived by the court if the court finds good cause to do so. The court shall consider the department's judicial review summary. Upon request of the petitioner, the court may close the case and relinquish jurisdiction.

At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including but not limited to ordering the child placed in shelter.

Section 24 – Orders of Adjudication

The bill amends s. 984.21, F.S., to provide that an order of adjudication by a court that a child is in need of services is a civil adjudication and not a conviction.

Section 25 – Powers of disposition

The bill amends s. 984.22, F.S., to provide that the disposition order may order the child to be placed in shelter or physically secure shelter. The bill repeals a provision that allows the DJJ to collect fees.

Section 26 - Powers of disposition; placement in a shelter

The bill amends s. 984.225, F.S., to provide that the court may order that a child adjudicated as a child in need of services be placed in shelter for the purpose of enforcing the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the court shall receive education commensurate with his or her grade level and educational ability. The DJJ, or the department's authorized services provider, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized representative verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed.

The court shall order the parent, legal guardian, or custodian to cooperate with efforts to reunite the child with the family and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

- The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.
- After other alternative, less restrictive remedies have been exhausted, the child may be placed in shelter for up to 90 days if:
 - The child's parent, legal guardian, or custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or custodian;
 - The child refuses to remain under the reasonable care and custody of the parent, legal guardian, or custodian, as evidenced by repeatedly running away from failing to comply with a court order; or
 - The child has failed to successfully complete an alternative treatment program or to comply with court-ordered services and the child has been placed in a shelter on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services.

The court shall review the child's 90-day shelter placement not less than every 45 days to determine if continued shelter is deemed necessary. The court also shall determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the DCF, and the child's care shall be governed under the relevant provisions of ch. 39, F.S. The department shall notify and coordinate with the DCF for the transfer of jurisdiction. The clerk of the circuit court shall serve the DCF with any court order of referral.

Section 27 – Physically secure setting

The bill amends s. 984.226, F.S., to:

- Authorize the DJJ to contract for physically secure settings;
- Require exhaustion of less restrictive placements before a child may be placed in a physically secure shelter;
- Provide time limits on secure shelter orders;
- Revise provisions concerning review of secure shelter placements. It is the intent of the legislature that physically secure shelter placement be used only when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements. The court shall review the child's placement once within every 45 days to determine if the child can be returned home with the provision of ongoing services;
- Provide for the transfer to other shelter placements. The court may order that the child be transitioned from a physically secure shelter setting to a shelter placement as provided in s. 984.225, F.S., upon a finding that the physically secure setting is no longer necessary to ensure the child's safety and provide needed services;
- Require a child to be transferred to the DCF in certain circumstances. The department shall notify and coordinate with the DCF to ensure provision of services to the child. The clerk of the circuit court shall serve the DCF with any court order of referral; and
- Provide for the transfer of a child to the Agency for Persons with Disabilities in certain circumstances. If the child requires long-term residential mental health or residential care for a developmental disability, the court shall transfer custody of the child to the DCF or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of the circuit court shall serve the DCF or Agency for Person with Disabilities with any court order of referral.

Section 28 – Transfers and renumbers statutes

The bill transfers s. 985.731, F.S., and renumbers the section as s. 787.035, F.S.

Section 29 – Amends definition

The bill amends s. 985.03, F.S., to revise the definition of the term “child who has been found to have committed a delinquent act” to mean a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a proceeding under ch. 984, F.S.

Section 30 – Use of detention

The bill amends s. 985.24, F.S., to prohibit placement of a child subject to certain proceedings into secure detention care. A child who is alleged to be dependent under ch. 39, F.S., or any child subject to proceedings under ch. 984, F.S., who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31 – Enforcement of school attendance

The bill amends s. 1003.26, F.S., to:

- Provide that the child study team may allow the parent to attend the child study team meeting virtually or by telephone if the parent is unable to attend the meeting in person.
- Provide that if the parent, legal guardian, or custodian or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy, based upon the information available to the school. The recommendations shall be provided to the parent within seven days after the child study team meeting. If the initial meeting does not resolve the problem, the child study team shall take further specified action including:
 - Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if bullying is an issue of concern.
- Revise provisions concerning required notice of a child’s enrollment or attendance issues. Under the direction of the district school superintendent, a designated school representative must provide written notice in person or by return-receipt mail to the parent, legal guardian, or custodian, requiring the child’s enrollment or attendance within three days after the date of the notice, when no valid reason is found for a student’s nonenrolment in school if the child is under compulsory education requirements, and is not exempt.
- Revise provisions concerning the return of a student to a parent or other party in certain circumstances where the parent, legal guardian, or custodian cannot be located or is unavailable, the child must be referred to the DJJ designated shelter services provider.
- Provide that if a student is subject to compulsory school attendance, is responsive to the interventions described above and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

Section 32 – Court procedures and penalties

The bill amends s. 1003.27, F.S., to:

- Revise reporting requirements for reports by school principals to school boards concerning minor students who accumulate 15 unexcused absences in a period of 90 calendar days.
- Require school board action and provide for remedial actions for failure to comply.
 - Reports shall be made to the district school board at the end of each quarter. The school board shall verify the school's reporting of more than 15 absences within a 90-day period. The district school board shall verify the school has complied with the requirement of remediating truancy at the school level or pursuing appropriate court interventions. Any school not meeting the requirements shall provide a remedial action plan to the school board within 90 days after noncompliance to confirm all truancy cases have been addressed through either remedial efforts that achieved the child's enrollment and regular attendance or referring the case to the appropriate court or agency for court intervention.
- Revise provisions concerning habitual truancy cases, cooperative agreements, and habitually truant students.
- Revise who may begin certain proceedings and prosecutions.

Section 33 – Canadian Prescription Drug Importation Program

The bill amends s. 381.02035, F.S., to authorize pharmacists employed by the DJJ to import drugs from Canada under specified programs.

Section 34 – Use of BB guns, air or gas-operated guns or electric weapons or devices by minor under 16

The bill amends s. 790.22, F.S., to revise provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication occurred or was withheld, for purposes of determining whether a prior offense was committed.

Section 35 – Prearrest delinquency citation programs

The bill amends s. 985.12, F.S., to remove the provision that the DJJ annually develop and produce best practice models for prearrest delinquency citation programs.

Section 36 – Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record

The bill amends s. 985.126, F.S., to revise the requirements for a quarterly report on prearrest citation programs.

Section 37 – Detention Intake

The bill amends s. 985.25, F.S., to provide for supervised release or detention of a child despite the child's risk assessment score in certain circumstances. The bill also limits the number of categories that a child may be moved. A child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Section 38 – Disposition hearings in delinquency cases

The bill amends s. 985.433, F.S., to require that a child be placed on conditional release rather than probation following discharge from commitment.

Section 39 – Repeals s. 985.625, F.S.

The bill repeals s. 985.625, F.S., relating to literacy programs for juvenile offenders.

Section 40 – Quality improvement and cost-effectiveness

The bill amends s. 985.632, F.S. to remove provision for development of cost-effectiveness model and application of the model to each commitment program.

Sections 41-46

The bill provides conforming changes to ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S., respectively.

Section 47

The bill takes effect on July 1, 2025.

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by 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 bill may have an indeterminate workload impact on state government expenditures to the extent it redirects additional status offenders to CINS/FINS programs. The DJJ has indicated the bill may increase CINS/FINS utilization and associated workload for circuit courts.²⁷

The DCF has indicated that any impact on administrative workload of the department or to CINS/FINS program services delivered by Community Based Care lead agencies can be absorbed within existing resources. Any initial impacts to the DJJ or the courts as a result of the bill can likely also be absorbed within existing resources, and potential future needs could be addressed through the Agency Legislative Budget Request process.

The bill would ensure federal compliance with the deinstitutionalization of the status offenders requirement set forth in the Juvenile Justice and Delinquency Prevention Act. While there have been only isolated cases of a judge ordering detention for contempt of court in status offense proceedings, the prohibition on detention for status offenses the bill places throughout ch. 984, F.S., would make it explicitly clear.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.01, 984.02, 984.03, 984.04, 984.06, 984.07, 984.071, 984.09, 984.10, 984.11, 984.12, 984.13, 984.14, 984.15, 984.151, 984.16, 984.17, 984.19, 984.20, 984.21, 984.22, 984.225, 984.226, 985.731, 787.035, 985.03, 985.24, 1003.26, 1003.27, 381.02035, 790.22, 985.12, 985.126, 985.25, 985.433, 985.632, 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618.

²⁷ Department of Juvenile Justice, Agency Analysis of 2025, p. 19-20 (on file with the Senate Committee on Criminal Justice).

²⁸ *Id.* at p. 20-21 (on file with the Senate Committee on Criminal Justice).

This bill creates section 984.0861 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 984.08, 984.085, 984.18, and 985.625.

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 March 25, 2025:

The committee substitute:

- Incorporates technical and clarifying changes.
- Clarifies provisions related to appointment of counsel and the indigent status of the child.
- Provides that a family is not eligible for voluntary family services if at the time of the referral the child is under court-ordered supervision.
- Provides that a child may be eligible for voluntary services if there is a pending DCF investigation.
- Requires a written report within 3 days of a child's release from custody to a parent, legal guardian or custodian.
- Provides when a child may be delivered to a shelter designated by the department.
- Provides that a child may be delivered to a hospital for evaluation and treatment if it is reasonably believed that the child is suffering from a physical condition requiring a need for treatment, is intoxicated, or in need of treatment for suicide prevention.
- Removes provision limiting the court's power to enter orders to require a student to attend school as a form of early truancy intervention.
- Provides that a student may not be determined to be habitually truant if the student has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Yarborough

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A bill to be entitled

An act relating to assault or battery on a utility worker; amending s. 784.07, F.S.; defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker; amending ss. 901.15, 921.0022, 943.051, 985.11, and 985.644, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (2) of section 784.07, Florida Statutes, is amended, and paragraph (h) is added to subsection (1) of that section, to read:

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

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

(h) "Utility worker" means a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint

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service.

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

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

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

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

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

75 Section 2. Subsection (15) of section 901.15, Florida
76 Statutes, is amended to read:

77 901.15 When arrest by officer without warrant is lawful.—A
78 law enforcement officer may arrest a person without a warrant
79 when:

80 (15) There is probable cause to believe that the person has
81 committed assault upon a law enforcement officer, a firefighter,
82 an emergency medical care provider, public transit employees or
83 agents, or other specified persons ~~officers~~ as set forth in s.
84 784.07 or has committed assault or battery upon any employee of
85 a receiving facility as defined in s. 394.455 who is engaged in
86 the lawful performance of his or her duties.

87 Section 3. Paragraphs (d), (f), and (g) of subsection (3)

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88 of section 921.0022, Florida Statutes, are amended to read:
89 921.0022 Criminal Punishment Code; offense severity ranking
90 chart.—
91 (3) OFFENSE SEVERITY RANKING CHART
92 (d) LEVEL 4
93

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

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99	517.07(1)	3rd	Failure to register securities.
	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
100	784.031	3rd	Battery by strangulation.
101	784.07(2)(b)	3rd	Battery of law enforcement officer, <u>utility worker</u> , firefighter, etc.
102	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
103	784.075	3rd	Battery on detention or commitment facility staff.
104	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
105	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
106	784.081(3)	3rd	Battery on specified official or employee.
107	784.082(3)	3rd	Battery by detained person on

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			visitor or other detainee.
108	784.083(3)	3rd	Battery on code inspector.
109	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
110	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
111	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
112	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
113	787.07	3rd	Human smuggling.
114	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
115			

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	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
116			
	790.115(2)(c)	3rd	Possessing firearm on school property.
117			
	794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
118			
	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
119			
	806.135	2nd	Destroying or demolishing a memorial or historic property.
120			
	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
121			
	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
122			
	810.06	3rd	Burglary; possession of tools.
123			

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	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
124			
	810.145(3)(b)	3rd	Digital voyeurism dissemination.
125			
	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
126			
	812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
127			
	812.014(2)(d)2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
128			
	812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
129			
	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
130			
	817.505(4)(a)	3rd	Patient brokering.

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131	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
132	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
133	817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
134	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
135	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
136	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
137	836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
138			

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	836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
139	837.02(1)	3rd	Perjury in official proceedings.
140	837.021(1)	3rd	Make contradictory statements in official proceedings.
141	838.022	3rd	Official misconduct.
142	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
143	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
144	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
145	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

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146 843.15(1)(a) 3rd Failure to appear while on bail
for felony (bond estreatment or
bond jumping).

147 843.19(2) 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

148 847.0135(5)(c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

149 870.01(3) 2nd Aggravated rioting.

150 870.01(5) 2nd Aggravated inciting a riot.

151 874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.

152 893.13(2)(a)1. 2nd Purchase of cocaine (or other
s. 893.03(1)(a), (b), or (d),
(2)(a), (2)(b), or (2)(c)5.
drugs).

153 914.14(2) 3rd Witnesses accepting bribes.

154 914.22(1) 3rd Force, threaten, etc., witness,

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155 victim, or informant.

914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

156 916.1085 3rd Introduction of specified
(2)(c)1. contraband into certain DCF
facilities.

157 918.12 3rd Tampering with jurors.

158 934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

159 944.47(1)(a)6. 3rd Introduction of contraband
(cellular telephone or other
portable communication device)
into correctional institution.

160 951.22(1)(h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

161 (f) LEVEL 6

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163			
164	Florida	Felony	Description
	Statute	Degree	
165	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
166	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
167	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
168	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
169	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
170	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
171			

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	775.0875(1)	3rd	Taking firearm from law enforcement officer.
172	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
173	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
174	784.041	3rd	Felony battery; domestic battery by strangulation.
175	784.048(3)	3rd	Aggravated stalking; credible threat.
176	784.048(5)	3rd	Aggravated stalking of person under 16.
177	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer, <u>utility worker, firefighter, etc.</u>
178	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
179	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
180			

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181	784.081(2)	2nd	Aggravated assault on specified official or employee.
182	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
183	784.083(2)	2nd	Aggravated assault on code inspector.
184	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
185	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
186	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
187	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

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188	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
189	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
190	794.05(1)	2nd	Unlawful sexual activity with specified minor.
191	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
192	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
193	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
194	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or

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subsequent offense.

195 812.014(2)(b)1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

196 812.014(2)(c)5. 3rd Grand theft; third degree;
firearm.

197 812.014(6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

198 812.015(9)(a) 2nd Retail theft; property stolen
\$750 or more; second or
subsequent conviction.

199 812.015(9)(b) 2nd Retail theft; aggregated
property stolen within 120 days
is \$3,000 or more; coordination
of others.

200 812.015(9)(d) 2nd Retail theft; multiple thefts
within specified period.

201 812.015(9)(e) 2nd Retail theft; committed with
specified number of other
persons and use of social media
platform.

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202 812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

203 817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

204 817.49(2)(b)2. 2nd Willful making of a false
report of a crime resulting in
death.

205 817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

206 817.5695(3)(b) 2nd Exploitation of person 65 years
of age or older, value \$10,000
or more, but less than \$50,000.

207 825.102(1) 3rd Abuse of an elderly person or
disabled adult.

208 825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

209 825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

210

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	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
211			
	827.03(2)(c)	3rd	Abuse of a child.
212			
	827.03(2)(d)	3rd	Neglect of a child.
213			
	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
214			
	828.126(3)	3rd	Sexual activities involving animals.
215			
	836.05	2nd	Threats; extortion.
216			
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
217			
	843.12	3rd	Aids or assists person to escape.
218			
	847.011	3rd	Distributing, offering to distribute, or possessing with

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			intent to distribute obscene materials depicting minors.
219			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
220			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
221			
	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
222			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
223			
	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
224			
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great

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		bodily harm.	
225	944.40	2nd	Escapes.
226	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
227	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
228	951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.
229			
230	(g) LEVEL 7		
231			
232			
	Florida Statute	Felony Degree	Description
233	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
234	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
235	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with

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		wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.	
236	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
237	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
238			
	409.920	3rd	Medicaid provider fraud; (2)(b)1.a. \$10,000 or less.
239	409.920	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
240	456.065(2)	3rd	Practicing a health care profession without a license.
241	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

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242 458.327(1) 3rd Practicing medicine without a
license.

243 459.013(1) 3rd Practicing osteopathic medicine
without a license.

244 460.411(1) 3rd Practicing chiropractic
medicine without a license.

245 461.012(1) 3rd Practicing podiatric medicine
without a license.

246 462.17 3rd Practicing naturopathy without
a license.

247 463.015(1) 3rd Practicing optometry without a
license.

248 464.016(1) 3rd Practicing nursing without a
license.

249 465.015(2) 3rd Practicing pharmacy without a
license.

250 466.026(1) 3rd Practicing dentistry or dental
hygiene without a license.

251 467.201 3rd Practicing midwifery without a

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license.

252 468.366 3rd Delivering respiratory care
services without a license.

253 483.828(1) 3rd Practicing as clinical
laboratory personnel without a
license.

254 483.901(7) 3rd Practicing medical physics
without a license.

255 484.013(1)(c) 3rd Preparing or dispensing optical
devices without a prescription.

256 484.053 3rd Dispensing hearing aids without
a license.

257 494.0018(2) 1st Conviction of any violation of
chapter 494 in which the total
money and property unlawfully
obtained exceeded \$50,000 and
there were five or more
victims.

258 560.123(8)(b)1. 3rd Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by a
money services business.

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259

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

260

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

261

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

262

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

263

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

264

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the

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265

perpetrator of an attempted felony.

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

266

782.071

2nd

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

267

782.072

2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

268

784.045(1)(a)1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

269

784.045(1)(a)2.

2nd

Aggravated battery; using deadly weapon.

270

784.045(1)(b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

271

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	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
272			
	784.048(7)	3rd	Aggravated stalking; violation of court order.
273			
	784.07(2)(d)	1st	Aggravated battery on law enforcement officer, <u>utility worker, firefighter, etc.</u>
274			
	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
275			
	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
276			
	784.081(1)	1st	Aggravated battery on specified official or employee.
277			
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
278			
	784.083(1)	1st	Aggravated battery on code inspector.
279			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services

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			of an adult.
280			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
281			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
282			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
283			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
284			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
285			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
286			
	790.166(4)	2nd	Possessing, displaying, or

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				threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
287	790.23	1st,PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
288	794.08(4)	3rd		Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
289	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
290	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
291	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
292	800.04(5)(c)2.	2nd		Lewd or lascivious molestation;

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				victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
293	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
294	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
295	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
296	810.02(3)(b)	2nd		Burglary of unoccupied dwelling; unarmed; no assault or battery.
297	810.02(3)(d)	2nd		Burglary of occupied conveyance; unarmed; no assault or battery.
298	810.02(3)(e)	2nd		Burglary of authorized emergency vehicle.
299				

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812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

812.014(2)(g) 2nd Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

812.019(2) 1st Stolen property; initiates,

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organizes, plans, etc., the theft of property and traffics in stolen property.

812.131(2)(a) 2nd Robbery by sudden snatching.

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

817.2341 1st Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the

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 insolvency of that entity.
 313 817.418(2)(a) 3rd Offering for sale or
 advertising personal protective
 equipment with intent to
 defraud.
 314 817.504(1)(a) 3rd Offering or advertising a
 vaccine with intent to defraud.
 315 817.535(2)(a) 3rd Filing false lien or other
 unauthorized document.
 316 817.611(2)(b) 2nd Traffic in or possess 15 to 49
 counterfeit credit cards or
 related documents.
 317 825.102(3)(b) 2nd Neglecting an elderly person or
 disabled adult causing great
 bodily harm, disability, or
 disfigurement.
 318 825.103(3)(b) 2nd Exploiting an elderly person or
 disabled adult and property is
 valued at \$10,000 or more, but
 less than \$50,000.
 319 827.03(2)(b) 2nd Neglect of a child causing
 great bodily harm, disability,

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 or disfigurement.
 320 827.04(3) 3rd Impregnation of a child under
 16 years of age by person 21
 years of age or older.
 321 827.071(2) & (3) 2nd Use or induce a child in a
 sexual performance, or promote
 or direct such performance.
 322 827.071(4) 2nd Possess with intent to promote
 any photographic material,
 motion picture, etc., which
 includes child pornography.
 323 837.05(2) 3rd Giving false information about
 alleged capital felony to a law
 enforcement officer.
 324 838.015 2nd Bribery.
 325 838.016 2nd Unlawful compensation or reward
 for official behavior.
 326 838.021(3)(a) 2nd Unlawful harm to a public
 servant.
 327 838.22 2nd Bid tampering.
 328

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329 843.0855(2) 3rd Impersonation of a public officer or employee.

330 843.0855(3) 3rd Unlawful simulation of legal process.

331 843.0855(4) 3rd Intimidation of a public officer or employee.

332 847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

333 847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

334 872.06 2nd Abuse of a dead human body.

335 874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

336 874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

893.13(1)(c)1. 1st Sell, manufacture, or deliver

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337 cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.

338 893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

339 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

340 893.135 1st Trafficking in cocaine, more

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	(1) (b) 1.a.		than 28 grams, less than 200 grams.
341	893.135	1st	Trafficking in illegal drugs, (1) (c) 1.a. more than 4 grams, less than 14 grams.
342	893.135	1st	Trafficking in hydrocodone, 28 (1) (c) 2.a. grams or more, less than 50 grams.
343	893.135	1st	Trafficking in hydrocodone, 50 (1) (c) 2.b. grams or more, less than 100 grams.
344	893.135	1st	Trafficking in oxycodone, 7 (1) (c) 3.a. grams or more, less than 14 grams.
345	893.135	1st	Trafficking in oxycodone, 14 (1) (c) 3.b. grams or more, less than 25 grams.
346	893.135	1st	Trafficking in fentanyl, 4 (1) (c) 4.b. (I) grams or more, less than 14 grams.
347	893.135	1st	Trafficking in phencyclidine, (1) (d) 1.a. 28 grams or more, less than 200

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			grams.
348	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
349	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
350	893.135	1st	Trafficking in flunitrazepam, 4 (1) (g) 1.a. grams or more, less than 14 grams.
351	893.135	1st	Trafficking in gamma- (1) (h) 1.a. hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
352	893.135	1st	Trafficking in 1,4-Butanediol, (1) (j) 1.a. 1 kilogram or more, less than 5 kilograms.
353	893.135	1st	Trafficking in Phenethylamines, (1) (k) 2.a. 10 grams or more, less than 200 grams.
354	893.135	1st	Trafficking in synthetic (1) (m) 2.a. cannabinoids, 280 grams or

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 more, less than 500 grams.

355 893.135 1st Trafficking in synthetic
 (1) (m) 2.b. cannabinoids, 500 grams or
 more, less than 1,000 grams.

356 893.135 1st Trafficking in n-benzyl
 (1) (n) 2.a. phenethylamines, 14 grams or
 more, less than 100 grams.

357 893.1351(2) 2nd Possession of place for
 trafficking in or manufacturing
 of controlled substance.

358 896.101(5) (a) 3rd Money laundering, financial
 transactions exceeding \$300 but
 less than \$20,000.

359 896.104(4) (a) 1. 3rd Structuring transactions to
 evade reporting or registration
 requirements, financial
 transactions exceeding \$300 but
 less than \$20,000.

360 943.0435(4) (c) 2nd Sexual offender vacating
 permanent residence; failure to
 comply with reporting
 requirements.

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 943.0435(8) 2nd Sexual offender; remains in
 state after indicating intent
 to leave; failure to comply
 with reporting requirements.

362 943.0435(9) (a) 3rd Sexual offender; failure to
 comply with reporting
 requirements.

363 943.0435(13) 3rd Failure to report or providing
 false information about a
 sexual offender; harbor or
 conceal a sexual offender.

364 943.0435(14) 3rd Sexual offender; failure to
 report and reregister; failure
 to respond to address
 verification; providing false
 registration information.

365 944.607(9) 3rd Sexual offender; failure to
 comply with reporting
 requirements.

366 944.607(10) (a) 3rd Sexual offender; failure to
 submit to the taking of a
 digitized photograph.

367 944.607(12) 3rd Failure to report or providing

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false information about a sexual offender; harbor or conceal a sexual offender.

368

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

369

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

370

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

371

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

372

373 Section 4. Paragraph (b) of subsection (3) of section
374 943.051, Florida Statutes, is amended to read:

375 943.051 Criminal justice information; collection and
376 storage; fingerprinting.—

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377 (3)

378 (b) A minor who is charged with or found to have committed
379 the following offenses shall be fingerprinted and the
380 fingerprints shall be submitted electronically to the
381 department, unless the minor is issued a prearrest delinquency
382 citation pursuant to s. 985.12:

- 383 1. Assault, as defined in s. 784.011.
- 384 2. Battery, as defined in s. 784.03.
- 385 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 386 4. Unlawful use of destructive devices or bombs, as defined
387 in s. 790.1615(1).
- 388 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 389 6. Assault or battery on a law enforcement officer, a
390 firefighter, or other specified persons ~~officers~~, as provided
391 defined in s. 784.07 ~~784.07(2)(a) and (b)~~.
- 392 7. Open carrying of a weapon, as defined in s. 790.053.
- 393 8. Exposure of sexual organs, as defined in s. 800.03.
- 394 9. Unlawful possession of a firearm, as defined in s.
395 790.22(5).
- 396 10. Petit theft, as defined in s. 812.014(3).
- 397 11. Cruelty to animals, as defined in s. 828.12(1).
- 398 12. Arson, as defined in s. 806.031(1).
- 399 13. Unlawful possession or discharge of a weapon or firearm
400 at a school-sponsored event or on school property, as provided
401 in s. 790.115.
- 402 Section 5. Paragraph (b) of subsection (1) of section
403 985.11, Florida Statutes, is amended to read:
404 985.11 Fingerprinting and photographing.—
405 (1)

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406 (b) Unless the child is issued a prearrest delinquency
 407 citation pursuant to s. 985.12, a child who is charged with or
 408 found to have committed one of the following offenses shall be
 409 fingerprinted, and the fingerprints shall be submitted to the
 410 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 411 1. Assault, as defined in s. 784.011.
- 412 2. Battery, as defined in s. 784.03.
- 413 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 414 4. Unlawful use of destructive devices or bombs, as defined
 415 in s. 790.1615(1).
- 416 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 417 6. Assault on a law enforcement officer, a firefighter, or
 418 other specified persons ~~officers~~, as defined in s. 784.07
 419 ~~784.07(2)(a)~~.
- 420 7. Open carrying of a weapon, as defined in s. 790.053.
- 421 8. Exposure of sexual organs, as defined in s. 800.03.
- 422 9. Unlawful possession of a firearm, as defined in s.
 423 790.22(5).
- 424 10. Petit theft, as defined in s. 812.014.
- 425 11. Cruelty to animals, as defined in s. 828.12(1).
- 426 12. Arson, resulting in bodily harm to a firefighter, as
 427 defined in s. 806.031(1).
- 428 13. Unlawful possession or discharge of a weapon or firearm
 429 at a school-sponsored event or on school property as defined in
 430 s. 790.115.

431
 432 A law enforcement agency may fingerprint and photograph a child
 433 taken into custody upon probable cause that such child has
 434 committed any other violation of law, as the agency deems

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435 appropriate. Such fingerprint records and photographs shall be
 436 retained by the law enforcement agency in a separate file, and
 437 these records and all copies thereof must be marked "Juvenile
 438 Confidential." These records are not available for public
 439 disclosure and inspection under s. 119.07(1) except as provided
 440 in ss. 943.053 and 985.04(2), but shall be available to other
 441 law enforcement agencies, criminal justice agencies, state
 442 attorneys, the courts, the child, the parents or legal
 443 custodians of the child, their attorneys, and any other person
 444 authorized by the court to have access to such records. In
 445 addition, such records may be submitted to the Department of Law
 446 Enforcement for inclusion in the state criminal history records
 447 and used by criminal justice agencies for criminal justice
 448 purposes. These records may, in the discretion of the court, be
 449 open to inspection by anyone upon a showing of cause. The
 450 fingerprint and photograph records shall be produced in the
 451 court whenever directed by the court. Any photograph taken
 452 pursuant to this section may be shown by a law enforcement
 453 officer to any victim or witness of a crime for the purpose of
 454 identifying the person who committed such crime.

455 Section 6. Paragraph (a) of subsection (3) of section
 456 985.644, Florida Statutes, is amended to read:

457 985.644 Departmental contracting powers; personnel
 458 standards and investigation.—

459 (3)(a) All employees of the department and all personnel of
 460 contract providers for any program for children, including all
 461 owners, operators, employees, persons who have access to
 462 confidential juvenile records, and volunteers, must complete:

- 463 1. A level 2 employment screening pursuant to chapter 435

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464 before employment. The security background investigation
465 conducted under this section must ensure that, in addition to
466 the disqualifying offenses listed in s. 435.04, no person
467 subject to the background screening provisions of this section
468 has an arrest awaiting final disposition for, been found guilty
469 of, regardless of adjudication, or entered a plea of nolo
470 contendere or guilty to, or been adjudicated delinquent and the
471 record has not been sealed or expunged for, any offense
472 prohibited under the following provisions of state law or
473 similar laws of another jurisdiction:

474 a. Section 784.07, relating to assault or battery of law
475 enforcement officers, firefighters, emergency medical care
476 providers, public transit employees or agents, or other
477 specified persons ~~officers~~.

478 b. Section 817.568, relating to criminal use of personal
479 identification information.

480 2. A national criminal records check by the Federal Bureau
481 of Investigation every 5 years following the date of the
482 person's employment.

483 Section 7. This act shall take effect October 1, 2025.



540570

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 784.07, Florida
Statutes, is amended, and paragraph (h) is added to subsection
(1) of that section, to read:

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



540570

11 (1) As used in this section, the term:
12 (h) “Utility worker” means a person who bears at least one
13 patch, emblem, organizational identification, or other clear
14 marking that is intended to be plainly visible, that identifies
15 the employing or contracting utility, and that clearly
16 identifies the person as a utility worker under contract with or
17 employed by an entity that owns, operates, leases, or controls a
18 plant, property, or facility for the generation, transmission,
19 distribution, or furnishing to or for the public, of
20 electricity, natural or manufactured gas or propane, water,
21 wastewater, telephone, or communications service, including two
22 or more utilities rendering joint service.

23 (2) Whenever any person is charged with knowingly
24 committing an assault or battery upon a law enforcement officer,
25 a firefighter, an emergency medical care provider, hospital
26 personnel, a railroad special officer, a traffic accident
27 investigation officer as described in s. 316.640, a nonsworn law
28 enforcement agency employee who is certified as an agency
29 inspector, a blood alcohol analyst, or a breath test operator
30 while such employee is in uniform and engaged in processing,
31 testing, evaluating, analyzing, or transporting a person who is
32 detained or under arrest for DUI, a law enforcement explorer, a
33 traffic infraction enforcement officer as described in s.
34 316.640, a parking enforcement specialist as defined in s.
35 316.640, a person licensed as a security officer as defined in
36 s. 493.6101 and wearing a uniform that bears at least one patch
37 or emblem that is visible at all times that clearly identifies
38 the employing agency and that clearly identifies the person as a
39 licensed security officer, ~~or~~ a security officer employed by the



540570

40 board of trustees of a community college, or a utility worker
41 engaged in work on critical infrastructure as defined in s.
42 812.141(1), while the officer, firefighter, emergency medical
43 care provider, hospital personnel, railroad special officer,
44 traffic accident investigation officer, traffic infraction
45 enforcement officer, inspector, analyst, operator, law
46 enforcement explorer, parking enforcement specialist, public
47 transit employee or agent, ~~or~~ security officer, or utility
48 worker is engaged in the lawful performance of his or her
49 duties, the offense for which the person is charged shall be
50 reclassified as follows:

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

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

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

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



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69 Section 2. Subsection (15) of section 901.15, Florida
70 Statutes, is amended to read:

71 901.15 When arrest by officer without warrant is lawful.—A
72 law enforcement officer may arrest a person without a warrant
73 when:

74 (15) There is probable cause to believe that the person has
75 committed assault upon a law enforcement officer, a firefighter,
76 an emergency medical care provider, public transit employees or
77 agents, or other specified persons ~~officers~~ as provided ~~set~~
78 ~~forth~~ in s. 784.07 or has committed assault or battery upon any
79 employee of a receiving facility as defined in s. 394.455 who is
80 engaged in the lawful performance of his or her duties.

81 Section 3. Paragraph (b) of subsection (3) of section
82 943.051, Florida Statutes, is amended to read:

83 943.051 Criminal justice information; collection and
84 storage; fingerprinting.—

85 (3)

86 (b) A minor who is charged with or found to have committed
87 the following offenses shall be fingerprinted and the
88 fingerprints shall be submitted electronically to the
89 department, unless the minor is issued a prearrest delinquency
90 citation pursuant to s. 985.12:

- 91 1. Assault, as defined in s. 784.011.
- 92 2. Battery, as defined in s. 784.03.
- 93 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 94 4. Unlawful use of destructive devices or bombs, as defined
95 in s. 790.1615(1).
- 96 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 97 6. Assault or battery on a law enforcement officer, a



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98 firefighter, or other specified persons ~~officers~~, as provided
99 ~~defined~~ in s. 784.07 ~~784.07(2)(a) and (b)~~.

100 7. Open carrying of a weapon, as defined in s. 790.053.

101 8. Exposure of sexual organs, as defined in s. 800.03.

102 9. Unlawful possession of a firearm, as defined in s.
103 790.22(5).

104 10. Petit theft, as defined in s. 812.014(3).

105 11. Cruelty to animals, as defined in s. 828.12(1).

106 12. Arson, as defined in s. 806.031(1).

107 13. Unlawful possession or discharge of a weapon or firearm
108 at a school-sponsored event or on school property, as provided
109 in s. 790.115.

110 Section 4. Paragraph (b) of subsection (1) of section
111 985.11, Florida Statutes, is amended to read:

112 985.11 Fingerprinting and photographing.—

113 (1)

114 (b) Unless the child is issued a prearrest delinquency
115 citation pursuant to s. 985.12, a child who is charged with or
116 found to have committed one of the following offenses shall be
117 fingerprinted, and the fingerprints shall be submitted to the
118 Department of Law Enforcement as provided in s. 943.051(3)(b):

119 1. Assault, as defined in s. 784.011.

120 2. Battery, as defined in s. 784.03.

121 3. Carrying a concealed weapon, as defined in s. 790.01(2).

122 4. Unlawful use of destructive devices or bombs, as defined
123 in s. 790.1615(1).

124 5. Neglect of a child, as defined in s. 827.03(1)(e).

125 6. Assault on a law enforcement officer, a firefighter, or
126 other specified persons ~~officers~~, as provided ~~defined~~ in s.



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127 784.07 ~~784.07(2)(a)~~.

128 7. Open carrying of a weapon, as defined in s. 790.053.

129 8. Exposure of sexual organs, as defined in s. 800.03.

130 9. Unlawful possession of a firearm, as defined in s.

131 790.22(5).

132 10. Petit theft, as defined in s. 812.014.

133 11. Cruelty to animals, as defined in s. 828.12(1).

134 12. Arson, resulting in bodily harm to a firefighter, as

135 defined in s. 806.031(1).

136 13. Unlawful possession or discharge of a weapon or firearm

137 at a school-sponsored event or on school property as defined in

138 s. 790.115.

139

140 A law enforcement agency may fingerprint and photograph a child

141 taken into custody upon probable cause that such child has

142 committed any other violation of law, as the agency deems

143 appropriate. Such fingerprint records and photographs shall be

144 retained by the law enforcement agency in a separate file, and

145 these records and all copies thereof must be marked "Juvenile

146 Confidential." These records are not available for public

147 disclosure and inspection under s. 119.07(1) except as provided

148 in ss. 943.053 and 985.04(2), but shall be available to other

149 law enforcement agencies, criminal justice agencies, state

150 attorneys, the courts, the child, the parents or legal

151 custodians of the child, their attorneys, and any other person

152 authorized by the court to have access to such records. In

153 addition, such records may be submitted to the Department of Law

154 Enforcement for inclusion in the state criminal history records

155 and used by criminal justice agencies for criminal justice



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156 purposes. These records may, in the discretion of the court, be
157 open to inspection by anyone upon a showing of cause. The
158 fingerprint and photograph records shall be produced in the
159 court whenever directed by the court. Any photograph taken
160 pursuant to this section may be shown by a law enforcement
161 officer to any victim or witness of a crime for the purpose of
162 identifying the person who committed such crime.

163 Section 5. Paragraph (a) of subsection (3) of section
164 985.644, Florida Statutes, is amended to read:

165 985.644 Departmental contracting powers; personnel
166 standards and investigation.-

167 (3) (a) All employees of the department and all personnel of
168 contract providers for any program for children, including all
169 owners, operators, employees, persons who have access to
170 confidential juvenile records, and volunteers, must complete:

171 1. A level 2 employment screening pursuant to chapter 435
172 before employment. The security background investigation
173 conducted under this section must ensure that, in addition to
174 the disqualifying offenses listed in s. 435.04, no person
175 subject to the background screening provisions of this section
176 has an arrest awaiting final disposition for, been found guilty
177 of, regardless of adjudication, or entered a plea of nolo
178 contendere or guilty to, or been adjudicated delinquent and the
179 record has not been sealed or expunged for, any offense
180 prohibited under the following provisions of state law or
181 similar laws of another jurisdiction:

182 a. Section 784.07, relating to assault or battery of law
183 enforcement officers, firefighters, emergency medical care
184 providers, public transit employees or agents, or other



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185 specified persons ~~officers~~.

186 b. Section 817.568, relating to criminal use of personal
187 identification information.

188 2. A national criminal records check by the Federal Bureau
189 of Investigation every 5 years following the date of the
190 person's employment.

191 Section 6. This act shall take effect October 1, 2025.

192

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

194 And the title is amended as follows:

195 Delete everything before the enacting clause
196 and insert:

197

A bill to be entitled

198 An act relating to assault or battery on a utility
199 worker; amending s. 784.07, F.S.; defining the term
200 "utility worker"; providing for reclassification of
201 certain offenses committed against a utility worker
202 engaged in work on critical infrastructure; amending
203 ss. 901.15, 943.051, 985.11, and 985.644, F.S.;
204 conforming provisions to changes made by the act;
205 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 1386

INTRODUCER: Criminal Justice Committee and Senator Yarborough

SUBJECT: Assault or Battery on a Utility Worker

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Denson</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>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1386 amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against a utility worker while such utility worker is engaged in the lawful performance of his or her official duties.

A “utility worker,” as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill may have a positive insignificant prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Assault and Battery of Utility Workers

There have been several reported instances of assault or battery against a utility officer in Florida over the past few years. One notable case occurred in October 2024, when a man from Hillsborough County was arrested for suspected aggravated assault. The man became frustrated when a road was partially blocked as utility crews worked to restore power in the area. In a fit of anger, he backed his vehicle into the utility pole and then threatened to shoot the utility workers who attempted to prevent him from fleeing the scene.¹ Another instance took place in February of 2025 involving a woman from Polk County who released her dogs on two utility workers who were investigating possible utility theft.²

Assault and Aggravated Assault

Section 784.011, F.S., provides that it is a second degree misdemeanor³ to commit an assault, which is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the other person that such violence is imminent.

The courts have established that a well-founded fear in another person is measured by the reasonable person standard. According to this standard, if the circumstances are such that they would typically induce fear in the mind of a reasonable person, then the victim may be found to be in fear.⁴

Section 784.021, F.S., provides that an aggravated assault is an assault:

- With a deadly weapon⁵ without intent to kill; or
- With an intent to commit a felony.

Aggravated assault is a third degree felony⁶ and is ranked a Level 6 offense in the Criminal Punishment Code offense severity level ranking chart.⁷

¹ Hillsborough County Sheriff's Office Press Release, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: <https://www.teamhcsco.com/News/PressRelease/8eabd8cf-d2b7-4340-ab0a-9b6c96a5df54/24-220> (Last visited March 20, 2025).

² Law and Crime News, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: <https://lawandcrime.com/crime/released-her-dogs-at-them-florida-woman-allegedly-used-great-dane-to-attack-investigators-after-stealing-electricity/> (Last visited March 20, 2025).

³ A second degree misdemeanor is punishable by not more than 60 days in county jail and a fine not exceeding \$500. Sections 775.082 and 775.083, F.S.

⁴ *Brennan v Syfrett*, 369 So.3d 320 (Fla. 1st DCA 2023).

⁵ When undefined in statute, Florida courts have defined a "deadly weapon" as an instrument that will likely cause death or great bodily harm when used in the ordinary and usual manner contemplated by its design or an object that is used or threatened to be used in a way likely to produce death or great bodily harm. See *Brown v. State*, 86 So.3d 569, 571 (Fla. 5th DCA 2012).

⁶ A third degree felony is punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S.

⁷ Section 921.0022(3)(f), F.S.

Battery and Aggravated Battery

Section 784.03, F.S., provides that 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.

Under this statute, battery is generally classified as a first degree misdemeanor.⁸ 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.⁹

Section 784.045, F.S., provides that a person commits an aggravated battery who, in committing battery:

- Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement;
- Uses a deadly weapon; or
- Knows or should have known that the victim of the battery was pregnant at the time of the offense.

Aggravated battery is a second degree felony and is ranked in Level 7 of the Criminal Punishment Code offense severity level ranking chart.¹⁰

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

Section 784.07(2), F.S., reclassifies the degree of an offense for assault, aggravated assault, battery, and aggravated battery 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.

Law enforcement officers and specified personnel are currently identified as:

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

⁸ 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(4)(a) and 775.083(1)(d), F.S.

⁹ Section 784.03(2), F.S.

¹⁰ Section 921.0022(3)(g), F.S. A second degree felony is punishable by not more than 15 years in state prison and a fine of up to \$10,000. Sections 775.082(3)(d) and 775.083(1)(b), F.S.

- 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; or
- A public transit employee or agent.

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; and
- In the case of aggravated battery, from a second degree felony to a first degree felony,¹¹ and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.¹²

Additionally, if an individual, during the commission of a battery subject to reclassification as a third degree felony, 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.¹³

Reclassifying an offense increases the maximum sentence for that 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:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against utility worker while such utility worker is engaged in the lawful performance of his or her official duties.

¹¹ 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(3)(b) and 775.083(1)(b), F.S.

¹² Section 784.07(2)(a)-(d), F.S.

¹³ 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.

¹⁴ 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.

The offenses are reclassified 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
- In the case of aggravated battery, from a second degree felony to a first degree felony.

The purpose of reclassifying these offenses is to increase the maximum sentence that may be imposed for an offense against a utility worker.

A “utility worker,” as defined by the bill, is a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill amends ss. 901.15, 921.0022, 943.051, 985.11, and 985.644, F.S., to make necessary conforming changes.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by 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 provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections (DOC). The EDR provides that while large numbers of offenders with specified assault and battery offenses come to prison each year with these offenses as a primary offense (389 new commitments in FY 23-24), it is unknown how large the utility worker victim pool is. The CJIC has heard bills with the same provisions in prior years and has found them to have an insignificant impact due to low volume.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.07, 901.15, 921.0022, 943.051, 985.11 and 985.644.

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

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

CS by Criminal Justice on March 25, 2025:

The committee substitute expands the definition of utility worker to include propane employees.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Truenow

591-02559-25

20251422c1

1 A bill to be entitled
 2 An act relating to unmanned aircraft or unmanned
 3 aircraft systems; amending s. 330.41, F.S.; revising
 4 the definition of the term "critical infrastructure
 5 facility"; providing an exception to the prohibition
 6 on operating a drone over a critical infrastructure
 7 facility; increasing the criminal penalty for certain
 8 prohibited actions relating to drones; amending s.
 9 330.411, F.S.; prohibiting certain actions relating to
 10 unmanned aircraft or unmanned aircraft systems;
 11 providing exceptions; providing criminal penalties;
 12 amending s. 934.50, F.S.; authorizing certain persons
 13 to use reasonable force to prohibit a drone from
 14 conducting surveillance under certain circumstances;
 15 revising and providing exceptions to certain
 16 prohibited actions relating to drones; providing
 17 criminal penalties; providing applicability; providing
 18 an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Paragraph (a) of subsection (2) and paragraphs
 23 (a) and (b) of subsection (4) of section 330.41, Florida
 24 Statutes, are amended to read:

25 330.41 Unmanned Aircraft Systems Act.—

26 (2) DEFINITIONS.—As used in this act, the term:

27 (a) "Critical infrastructure facility" means any of the
 28 following, if completely enclosed by a fence or other physical
 29 barrier that is obviously designed to exclude intruders, or if

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30 clearly marked with a sign or signs which indicate that entry is
 31 forbidden and which are posted on the property in a manner
 32 reasonably likely to come to the attention of intruders:
 33 1. A power generation or transmission facility, substation,
 34 switching station, or electrical control center.
 35 2. A chemical or rubber manufacturing or storage facility.
 36 3. A water intake structure, water treatment facility,
 37 wastewater treatment plant, or pump station.
 38 4. A mining facility.
 39 5. A natural gas or compressed gas compressor station,
 40 storage facility, or natural gas or compressed gas pipeline.
 41 6. A liquid natural gas or propane gas terminal or storage
 42 facility.
 43 7. Any portion of an aboveground oil or gas pipeline.
 44 8. A refinery.
 45 9. A gas processing plant, including a plant used in the
 46 processing, treatment, or fractionation of natural gas.
 47 10. A wireless or wired communications facility, including
 48 the tower, antennas ~~antennae~~, support structures, and all
 49 associated ground-based equipment.
 50 11. A seaport as listed in s. 311.09(1), which need not be
 51 completely enclosed by a fence or other physical barrier and
 52 need not be marked with a sign or signs indicating that entry is
 53 forbidden.
 54 12. An inland port or other facility or group of facilities
 55 serving as a point of intermodal transfer of freight in a
 56 specific area physically separated from a seaport.
 57 13. An airport as defined in s. 330.27.
 58 14. A spaceport territory as defined in s. 331.303(19).

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59 15. A military installation as defined in 10 U.S.C. s.
60 2801(c)(4) and an armory as defined in s. 250.01.

61 16. A dam as defined in s. 373.403(1) or other structures,
62 such as locks, floodgates, or dikes, which are designed to
63 maintain or control the level of navigable waterways.

64 17. A state correctional institution as defined in s.
65 944.02 or a contractor-operated correctional facility authorized
66 under chapter 957.

67 18. A secure detention center or facility as defined in s.
68 985.03, or a moderate-risk residential facility, a high-risk
69 residential facility, or a maximum-risk residential facility as
70 those terms are described in s. 985.03(44).

71 19. A county detention facility as defined in s. 951.23.

72 20. A critical infrastructure facility as defined in s.
73 692.201.

74 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

75 (a) A person may not knowingly or willfully:

76 1. Operate a drone over a critical infrastructure facility,
77 unless the operation is for a commercial purpose and is
78 authorized by and in compliance with the Federal Aviation
79 Administration regulations;

80 2. Allow a drone to make contact with a critical
81 infrastructure facility, including any person or object on the
82 premises of or within the facility; or

83 3. Allow a drone to come within a distance of a critical
84 infrastructure facility that is close enough to interfere with
85 the operations of or cause a disturbance to the facility.

86 (b) A person who violates paragraph (a) commits a felony of
87 the third misdemeanor of the second degree, punishable as

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88 provided in s. 775.082 or s. 775.083. ~~A person who commits a~~
89 ~~second or subsequent violation commits a misdemeanor of the~~
90 ~~first degree, punishable as provided in s. 775.082 or s.~~
91 ~~775.083.~~

92 Section 2. Section 330.411, Florida Statutes, is amended to
93 read:

94 330.411 Prohibited possession, alteration, or operation of
95 unmanned aircraft or unmanned aircraft system.—

96 (1) A person may not knowingly or willfully possess or
97 operate an unmanned aircraft or unmanned aircraft system as
98 defined in s. 330.41(2) ~~s. 330.41~~ with an attached weapon,
99 firearm, explosive, destructive device, or ammunition as defined
100 in s. 790.001.

101 (2) A person may not knowingly or willfully alter,
102 manipulate, tamper with, or otherwise change an unmanned
103 aircraft or unmanned aircraft system's hardware or software to
104 purposefully frustrate any tool, system, or technology intended
105 to satisfy the remote identification requirements established by
106 the Federal Aviation Administration as they relate to any
107 unmanned aircraft or unmanned aircraft systems in violation of
108 s. 330.41(4)(a), unless authorized by the administrator of the
109 Federal Aviation Administration or the Secretary of Defense, or
110 their respective designees.

111 (3) A person may not knowingly or willfully possess or
112 operate an unmanned aircraft or unmanned aircraft system that
113 has been altered, manipulated, tampered with, or otherwise
114 changed to purposefully frustrate any tool, system, or
115 technology intended to satisfy the remote identification
116 requirements established by the Federal Aviation Administration

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117 as they relate to any unmanned aircraft or unmanned aircraft
 118 systems in violation of s. 330.41(4)(a), unless authorized by
 119 the administrator of the Federal Aviation Administration or the
 120 Secretary of Defense, or their respective designees.

121 (4) A person who violates subsection (1), subsection (2),
 122 or subsection (3) commits a felony of the third degree,
 123 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

124 (5) A person who, without lawful authority, possesses or
 125 operates an unmanned aircraft system carrying a weapon of mass
 126 destruction, a hoax weapon of mass destruction, a biological
 127 agent, or a toxin, as those terms are defined in s. 790.166(1),
 128 commits a felony of the first degree, punishable as provided in
 129 s. 775.082, s. 775.083, or s. 775.084.

130 Section 3. Paragraph (b) of subsection (3) and paragraph
 131 (d) of subsection (4) of section 934.50, Florida Statutes, are
 132 amended, and paragraph (r) of subsection (4) and subsection (8)
 133 are added to that section, to read:

134 934.50 Searches and seizure using a drone.—

135 (3) PROHIBITED USE OF DRONES.—

136 (b)1. A person, a state agency, or a political subdivision
 137 as defined in s. 11.45 may not use a drone equipped with an
 138 imaging device to record an image of privately owned real
 139 property or of the owner, tenant, occupant, invitee, or licensee
 140 of such property with the intent to conduct surveillance on the
 141 individual or property captured in the image in violation of
 142 such person's reasonable expectation of privacy without his or
 143 her written consent. For purposes of this section, a person is
 144 presumed to have a reasonable expectation of privacy on his or
 145 her privately owned real property if he or she is not observable

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146 by persons located at ground level in a place where they have a
 147 legal right to be, regardless of whether he or she is observable
 148 from the air with the use of a drone.

149 2. A person who has a reasonable expectation of privacy on
 150 his or her privately owned real property may use reasonable
 151 force to prohibit a drone from conducting surveillance in
 152 violation of this paragraph, if such drone is operating under
 153 500 feet over such property.

154 (4) EXCEPTIONS.—This section does not prohibit the use of a
 155 drone:

156 (d) To provide a law enforcement agency with an aerial
 157 perspective of a crowd of 50 people or more or to provide or
 158 maintain the public safety of such crowd, provided that:

159 1. The law enforcement agency that uses the drone to
 160 provide an aerial perspective of a crowd of 50 people or more
 161 must have policies and procedures that include guidelines:

162 a. For the agency's use of a drone.

163 b. For the proper storage, retention, and release of any
 164 images or video captured by the drone.

165 c. That address the personal safety and constitutional
 166 protections of the people being observed.

167 2. The head of the law enforcement agency using the drone
 168 for this purpose must provide written authorization for such use
 169 and must maintain a copy on file at the agency.

170 (r) By a law enforcement agency in furtherance of providing
 171 and maintaining the security of an elected official pursuant to
 172 s. 943.68.

173 (8) CRIMINAL PENALTIES.—

174 (a) An individual who knowingly or willfully violates

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

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175 paragraph (3) (b) commits a misdemeanor of the first degree,
176 punishable as provided in s. 775.082 or s. 775.083.

177 (b) An individual who knowingly or willfully violates
178 paragraph (3) (b) and intentionally distributes surveillance
179 obtained in violation of that paragraph commits a felony of the
180 third degree, punishable as provided in s. 775.082, s. 775.083,
181 or s. 775.084.

182

183 This subsection does not apply to a state agency, a political
184 subdivision, a law enforcement agency, or its officers,
185 employees, or agents.

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



208498

LEGISLATIVE ACTION

Senate

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. .
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House

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

Senate Amendment (with title amendment)

Delete lines 94 - 129

and insert:

330.411 Prohibited possession, alteration, or operation of
unmanned aircraft or unmanned aircraft system.-

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

(a) "Unmanned aircraft" has the same meaning as the term
"drone" in s. 934.50(2).

(b) "Unmanned aircraft system" has the same meaning as in



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11 s. 330.41(2).

12 (2) A person may not knowingly or willfully possess or
13 operate an unmanned aircraft or unmanned aircraft system as
14 defined in s. 330.41 with an attached weapon, firearm,
15 explosive, destructive device, or ammunition as those terms are
16 defined in s. 790.001.

17 (3) (a) For the purposes of s. 330.41(4) (a), a person may
18 not knowingly or willfully:

19 1. Alter, manipulate, tamper with, or otherwise change an
20 unmanned aircraft or unmanned aircraft system's hardware or
21 software to purposefully frustrate any tool, system, or
22 technology intended to satisfy the remote identification
23 requirements established by the Federal Aviation Administration
24 as they relate to an unmanned aircraft or unmanned aircraft
25 system; or

26 2. Possess or operate an unmanned aircraft or unmanned
27 aircraft system that has been altered, manipulated, tampered
28 with, or otherwise changed to purposefully frustrate any tool,
29 system, or technology intended to satisfy the remote
30 identification requirements established by the Federal Aviation
31 Administration as they relate to any unmanned aircraft or
32 unmanned aircraft system.

33 (b) This subsection does not apply if a person is
34 authorized by the administrator of the Federal Aviation
35 Administration or the Secretary of Defense, or their respective
36 designees, to alter, possess, or operate such an altered
37 unmanned aircraft or unmanned aircraft system.

38 (4) A person who violates subsection (2) or subsection (3)
39 commits a felony of the third degree, punishable as provided in



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40 s. 775.082, s. 775.083, or s. 775.084.

41 (5) A person who, without lawful authority, possesses or
42 operates an unmanned aircraft or unmanned aircraft system
43 carrying a "weapon of mass destruction" or a "hoax weapon of
44 mass destruction," as those terms are defined in s. 790.166(1),
45 commits a felony of the first degree, punishable as provided in
46 s. 775.082, s. 775.083, or s. 775.084.

47

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

49 And the title is amended as follows:

50 Delete lines 9 - 11

51 and insert:

52 330.411, F.S.; defining the terms "unmanned aircraft"
53 and "unmanned aircraft system"; prohibiting certain
54 actions relating to unmanned aircraft and unmanned
55 aircraft systems; providing an exception; providing
56 criminal penalties;

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 1422

INTRODUCER: Criminal Justice Committee and Senator Truenow

SUBJECT: Unmanned Aircraft or Unmanned Aircraft Systems

DATE: April 9, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1422 amends three sections of law relating to drones. The bill amends 330.41, F.S., to increase the criminal penalties from a second degree misdemeanor¹ to a third degree felony² if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities. The bill also permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.

The bill amends s. 330.411, F.S., to specify it is a third degree felony for a person to knowingly or willfully:

- Possess or operate a weaponized drone;

¹ A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss. 775.02 and 775.083, F.S.

² A third degree felony is punishable by up to 5 year imprisonment and a \$5,000 fine. ss. 775.02 and 775.083, F.S.

- Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software for certain purposes; or
- Possess or operate such an altered unmanned aircraft or unmanned aircraft system.

A person who possesses or operates a drone that carries a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, commits a first degree felony.³

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. Additionally, the bill makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

The bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating under 500 ft. over the property.

Additionally, a law enforcement agency may use a drone to provide or maintain the public safety of a crowd of 50 people or more, and in furtherance of providing and maintaining the security of an elected official.

The bill may have a positive insignificant impact on state prison beds (an increase of 10 or fewer beds). See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.⁴

Small drones are regulated by the Federal Aviation Authority (FAA) and federal regulations such as in 14 CFR 107.51(b)(2) which contain the following operating limitations for small drones:

- The minimum flight visibility, as observed from the location of the control station must be no less than 3 statute miles.
- The minimum distance of the small unmanned aircraft from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.
- The groundspeed of the small unmanned aircraft may not exceed 87 knots (100 miles per hour).

³ A first degree felony is punishable by up to 30 years to life imprisonment and a \$15,000 fine. ss. 775.02 and 775.083, F.S.

⁴ Section 934.50(2), F.S.

- The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:
 - Is flown within a 400-foot radius of a structure; and
 - Does not fly higher than 400 feet above the structure's immediate uppermost limit.⁵

The FAA has recently adopted a rule for drone operators relating to remote identification which is the capability of an unmanned aircraft in flight to provide certain identification, location, and performance information that people on the ground and other airspace users can receive.⁶

The FAA expects this rule will result in several important benefits and enhancements to support safety and security in the airspace of the United States. Remote identification provides information that helps address existing challenges faced by the FAA, law enforcement entities, and national security agencies responsible for the safety and security of the airspace of the United States. As unmanned aircraft operations increase, so does the risk of unmanned aircraft being operated in close proximity to manned aircraft, or people and property on the ground, or in airspace unsuitable for these operations.

Remote identification provides a means to identify these aircraft and locate the person who controls them (e.g., operators, pilots in command). It allows the FAA, law enforcement, and national security agencies to distinguish compliant airspace users from those potentially posing a safety or security risk. It permits the FAA and law enforcement to conduct oversight of persons operating UAS and to determine whether compliance actions, enforcement, educational, training, or other types of actions are needed to mitigate safety or security risks and foster increased compliance with regulations. Remote identification data also informs the public and users of the airspace of the United States of the local operations that are being conducted at any given moment.⁷

Drones and Surveillance

The Freedom from Unwanted Surveillance Act is found in s. 934.50, F.S. The Act provides citizens' privacy from non-law enforcement and law enforcement drone information-seeking surveillance over private property.⁸

Section 934.50, F.S., prohibits a state agency, political subdivision,⁹ or non-law enforcement person from using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy without his or her written consent.¹⁰ For purposes of this section, surveillance means:

⁵ 14 CFR Part 107, (last visited March 11, 2025).

⁶ Federal Register, Department of Transportation, Vol. 86, No. 10 (January 15, 2021), Rules and Regulations 4405 14 CFR Parts 1, 11, 47, 48, 89, 91, and 107. (last visited March 18, 2025).

⁷ *Id.*

⁸ Section 934.50(3)(a), F.S.

⁹ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village. s.11.45, (1)(k) F.S.

¹⁰ Section 934.50(3)(b), F.S.

- With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or
- With respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.¹¹

Section 934.50(4)(a)-(q), F.S., provides exceptions for law enforcement, government agency, and commercial uses for drones.¹² A few of these other authorized uses for drones in s. 934.50, F.S. include:

- To counter a high risk of a terrorist attack;¹³
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more under certain circumstances;¹⁴
- For the assessment of damage due to a flood, wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration;¹⁵
- To capture images by or for an electric, water, or natural gas utility under certain circumstances;¹⁶ and
- By an employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.¹⁷

There are no criminal penalties associated with this section, however civil remedies are specifically provided in s. 934.50(5), F.S. Also, evidence obtained or collected in violation of this act is not admissible as evidence in a criminal prosecution in any court of law in this state.¹⁸

Protecting Critical Infrastructure and Schools from Unwelcome Drone Encroachment

The Unmanned Aircraft Systems Act defines an “unmanned aircraft system” as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently.¹⁹ The focus of the act is the safety of critical infrastructure,²⁰ protection of schools,²¹ drone delivery services,²² and drone ports.²³

“Critical infrastructure facility” is defined in s. 330.41(2)(a)1.-20, F.S., to include, in part:

¹¹ Section 934.50(2)(e), F.S.

¹² Section 934.50(4)(a), F.S.

¹³ Section 934.50(4)(a), F.S.

¹⁴ Section 934.50(4)(d), F.S.

¹⁵ Section 934.50(4)(g)1., F.S.

¹⁶ Section 934.50(4)(k), F.S.

¹⁷ Section 934.50(4)(p), F.S.

¹⁸ Section 934.50(6), F.S.

¹⁹ Section 330.41(2)(e), F.S.

²⁰ Section 330.41(2)(a)1.-20., F.S.

²¹ Section 330.41(5), F.S.

²² Section 330.41(2)(c), F.S.

²³ Section 330.41(2)(d), F.S.

- A power generation or transmission facility, substation, switching station, or electrical control center;
- Any portion of an aboveground oil or gas pipeline;
- A state correctional institution as defined in s. 944.02, F.S., or a contractor-operated correctional facility authorized under ch. 957, F.S.; and
- A county detention facility as defined in s. 951.23, F.S.²⁴

It is a second degree misdemeanor²⁵ for a first offense and a first degree misdemeanor²⁶ for a second offense if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.²⁷

Additionally, a person may not knowingly or willfully:

- Operate a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allow a drone to make contact with a school, including any person or object on the premises of or within the school facility.²⁸

A person who commits either of the offenses listed above commits a misdemeanor of the second degree. A second or subsequent violation is a first degree misdemeanor offense. However, if a person commits either of the two offenses above and records video of the school, including any person or object on the premises of or within the school facility, it is a misdemeanor of the first degree, and a second or subsequent offense is a felony of the third degree.²⁹

Armed Drones

Section 330.411, F.S. prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S.,³⁰ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S. The terms mean:

- “Ammunition” means an object consisting of a fixed metallic or nonmetallic hull or casing containing a primer; one or more projectiles, one or more bullets, or shot; and gunpowder.³¹
- “Destructive device” means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is

²⁴ Section 330.41(4)(a), F.S.

²⁵ A second degree misdemeanor is punishable by up to 60 days in the county jail and \$500 fine. ss. 775.082 and 775.083, F.S.

²⁶ A first degree misdemeanor is punishable by up to one year in the county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

²⁷ Section 330.41(a), F.S.

²⁸ Section 330.41(5), F.S.

²⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

³⁰ Section 330.411, F.S.

³¹ Sections 790.001 (1), (6), (8), (9), and (20), F.S.

designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. “Destructive device” does not include: a device which is not designed, redesigned, used, or intended for use as a weapon; any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device; any shotgun other than a short-barreled shotgun; or any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.³²

- “Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including: shotgun shells, cartridges, or ammunition for firearms; fireworks as defined in s. 791.01, F.S.; smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241, F.S.; black powder in quantities not to exceed that authorized by ch. 552, F.S., or by any rules adopted by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.³³
- “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.³⁴
- “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.³⁵

Section 330.411, F.S., contains no criminal penalties attached to a person’s prohibited possession of an armed drone.

III. Effect of Proposed Changes:

The bill amends the criminal penalties in s. 330.41(4), F.S., by increasing the second degree misdemeanor penalty to a third degree felony for a person to knowingly and willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

³² Section 790.001(6), F.S.

³³ Section 790.001(8), F.S.

³⁴ Section 790.001(9), F.S.

³⁵ Section 790.001(20), F.S.

- Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.³⁶

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S., to include “wired” communication facilities. The bill amends s. 330.41(4)(a)1., F.S., to provide that a person can operate a drone over a critical infrastructure facility if the operation is for a commercial purpose and is authorized by and in compliance with the FFA regulations.

The bill amends s. 330.411, F.S., to specify it is a third degree felony when a person knowingly or willfully possesses or operates a drone with an attached firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.

The bill creates two new third degree felony offenses related to the FFA remote identification requirements. A person is prohibited from knowingly or willfully altering, manipulating, tampering with, or otherwise changing an unmanned aircraft or unmanned aircraft system’s hardware or software to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, in violation of s. 330.41(4)(a), F.S., unless authorized.³⁷

A person is also prohibited from knowingly or willfully possessing or operating such an altered, manipulated, tampered with, or otherwise changed to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, and violating s. 330.41(4)(a), F.S., unless authorized.³⁸

Additionally, the bill provides that a person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, as those terms are defined in s. 790.166(1), F.S., commits a first degree felony.

The bill amends s. 934.50(4)(d), F.S., providing that law enforcement is not prohibited from using a drone to provide or maintain the public safety of a crowd of 50 people or more.

The bill also amends s. 934.50(4), F.S., to provide that a law enforcement agency may use a drone in furtherance of providing and maintaining the security of an elected official.³⁹

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such

³⁶ Section 330.41(4)(a)1.-3, F.S.

³⁷ The bill specifies that authority can come from the administrator of the FAA or the Secretary of Defense or their respective designees.

³⁸ *Id.*

³⁹ See Section 943.68, F.S., for a description of security or transportation provided by the Florida Department of Law Enforcement to the Governor and others.

person's reasonable expectation of privacy. The bill also creates a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes the surveillance.

Finally, the bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on

the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the FDLE, there were no arrests, nor were there guilty/convicted charges or adjudication withheld charges under s. 330.41, F.S. or 330.411, F.S. Though it is not known what kind of offender pool exists under the other newly created felonies, the lack of misdemeanor offender data and the majority of the new felonies being Level 1, third degree felonies indicate an insignificant impact on prison beds.
- Per the DOC, in FY 23-24, the incarceration rate for a Level 1, third degree felony was 9.7 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent.⁴⁰

VI. Technical Deficiencies:

The provision in s. 934.50, F.S., permitting a person who has a reasonable expectation of privacy on his or her private property to use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating *under 500 ft. over the property*. This appears to conflict with a small drone's altitude limitations. The altitude of the small unmanned aircraft *cannot be higher than 400 feet above ground level*.⁴¹

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41, 330.411 and 934.50.

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 March 18, 2025: The CS:

- Adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities.
- Permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.
- Specifies in s. 330.411, F.S., that it is a third degree felony for a person to knowingly or willfully possess or operate a weaponized drone.
- Creates a third degree felony in s. 330.411, F.S., if a person knowingly or willfully tampers with or alters a drone in violation of s. 330.41(4)(a), F.S., to purposefully frustrate technology intended to satisfy the Federal Aviation Administration remote identification system;

⁴⁰ Office of Economic and Demographic Research, SB 1422 – Unmanned Aircraft and Unmanned Aircraft Systems, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

⁴¹ 14 CFR Part 107, (last visited March 11, 2025).

- Creates a third degree felony in s. 330.411, F.S., if a person possesses or operates such an altered unmanned aircraft or unmanned aircraft system in violation of s. 330.41(4)(a), F.S.
- Permits a person, in s. 934.50(3), who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.
- Creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy.
- Makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

B. Amendments:

None.

By the Committee on Judiciary; and Senator Grall

590-02604-25

20251650c1

1 A bill to be entitled
 2 An act relating to vexatious litigants; amending s.
 3 68.093, F.S.; revising definitions; expanding actions
 4 subject to the Florida Vexatious Litigant Law;
 5 revising eligibility for designation as a vexatious
 6 litigant; revising sanctions and remedies for
 7 vexatious litigation; prohibiting clerks of the court
 8 from accepting certain filings from a vexatious
 9 litigant; specifying the duration of an automatic stay
 10 imposed against vexatious litigation; providing an
 11 effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 68.093, Florida Statutes, is amended to
 16 read:

17 68.093 Florida Vexatious Litigant Law.—

18 (1) This section may be cited as the “Florida Vexatious
 19 Litigant Law.”

20 (2) As used in section, the term:

21 (a) “Action” means an a-civil action:

22 1. Governed by the Florida Family Law Rules of Procedure,
 23 the Florida Rules of Civil Procedure, rule 5.025 of and
 24 proceedings governed by the Florida Probate Rules, the Florida
 25 Small Claims Rules; or

26 2. In another state court or federal court governed by
 27 rules of procedure that are comparable to the rules of procedure
 28 specified in subparagraph 1 but does not include actions
 29 concerning family law matters governed by the Florida Family Law

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

590-02604-25

20251650c1

30 Rules of Procedure or any action in which the Florida Small
 31 Claims Rules apply.

32 ~~(b) “Defendant” means any person or entity, including a~~
 33 ~~corporation, association, partnership, firm, or governmental~~
 34 ~~entity, against whom an action is or was commenced or is sought~~
 35 ~~to be commenced.~~

36 ~~(b)(c)~~ “Security” means an undertaking by a vexatious
 37 litigant to ensure payment to a party defendant in an amount
 38 reasonably sufficient to cover the party’s defendant’s
 39 anticipated, reasonable expenses of litigation, including
 40 attorney attorney’s fees and taxable costs.

41 ~~(c)(d)~~ “Vexatious litigant” means a person, as defined in
 42 s. 1.01(3), proceeding pro se, who:

43 1. A person as defined in s. 1.01(3) who, In the
 44 immediately preceding 7-year 5-year period, has commenced,
 45 prosecuted, or maintained, pro se, three five or more civil
 46 actions in any court that in this state, except an action
 47 governed by the Florida Small Claims Rules, which actions have
 48 been finally and adversely determined against such person,
 49 except that an action may not be included for purposes of this
 50 subparagraph if the court finds that the action was commenced,
 51 prosecuted, or maintained in good faith; or entity; or

52 2. After an action has been finally and adversely
 53 determined against the person, repeatedly relitigates or
 54 attempts to relitigate either the validity of the determination
 55 against the same party as to whom the action was finally
 56 determined or the cause of action, claim, controversy, or any of
 57 the issues of fact or law determined by the final and adverse
 58 determination against the same party as to whom the action was

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

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59 finally determined;

60 3. Repeatedly files pleadings, requests for relief, or
61 other documents that have been the subject of previous rulings
62 by the court in the same action;

63 4. Repeatedly files unmeritorious pleadings, requests for
64 relief, or other documents; conducts unnecessary discovery; or
65 engages in other tactics that are frivolous or solely intended
66 to cause unnecessary delay in any action; or

67 5.2- Has been Any person or entity previously found to be a
68 vexatious litigant pursuant to this section or by another state
69 court or a federal court.

70
71 An action is not deemed to be "finally and adversely determined"
72 if an appeal in that action is pending. ~~If an action has been~~
73 ~~commenced on behalf of a party by an attorney licensed to~~
74 ~~practice law in this state, that action is not deemed to be pro~~
75 ~~se even if the attorney later withdraws from the representation~~
76 ~~and the party does not retain new counsel.~~

77 (3) (a) In any action pending in any court of this state,
78 ~~including actions governed by the Florida Small Claims Rules,~~
79 any ~~party defendant~~ may move the court, upon notice and hearing,
80 for an order requiring an opposing party the plaintiff to
81 furnish security. The motion shall be based on the grounds, and
82 supported by a showing, that the opposing party subject to the
83 motion plaintiff is a vexatious litigant and is not reasonably
84 likely to prevail on the merits of the action against the moving
85 party defendant.

86 (b) At the hearing ~~upon any defendant's motion~~ for an order
87 to post security, the court shall consider any evidence, written

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88 or oral, by witness or affidavit, which may be relevant to the
89 consideration of the motion. No determination made by the court
90 in such a hearing shall be admissible on the merits of the
91 action or deemed to be a determination of any issue in the
92 action. If, after hearing the evidence, the court determines
93 that the opposing party subject to the motion plaintiff is a
94 vexatious litigant and is not reasonably likely to prevail on
95 the merits of the action against the moving ~~party defendant~~, the
96 court shall order the vexatious litigant plaintiff to furnish
97 security to the moving ~~party defendant~~ in an amount and within
98 such time as the court deems appropriate.

99 (c) If the vexatious litigant plaintiff fails to post
100 security required by an order of the court under this section
101 and the vexatious litigant is:-

102 1. A plaintiff or petitioner, the court shall immediately
103 issue an order dismissing the action with prejudice as to the
104 moving party defendant for whose benefit the security was
105 ordered; or

106 2. A defendant or respondent, the court may immediately
107 issue an order imposing one or more of the following sanctions,
108 as appropriate:

109 a. Denial of the vexatious litigant's request for relief;
110 b. Striking of the vexatious litigant's pleading or other
111 document or part thereof; or

112 c. Rendition of a judgment by default against the vexatious
113 litigant.

114 (d) If ~~the a~~ motion for an order to post security is filed
115 ~~before prior to~~ the trial in an action, the action shall be
116 automatically stayed and the moving ~~party defendant~~ need not

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117 plead or otherwise respond to the vexatious litigant's
 118 complaint, pleading, request for relief, or other document until
 119 10 days after the motion for an order to post security is
 120 denied. If the motion for an order to post security is granted,
 121 the moving party defendant shall respond or plead no later than
 122 10 days after the required security has been furnished.

123 (4) In addition to any other relief provided in this
 124 section, the court in any judicial circuit may, on its own
 125 motion or on the motion of any party, enter a prefiling order
 126 prohibiting a vexatious litigant from commencing, pro se, any
 127 new action in the courts of that circuit or from filing, pro se,
 128 any pleading, request for relief, or other document in an action
 129 in the courts of that circuit without first obtaining leave of
 130 the court administrative judge of that circuit. Disobedience of
 131 such an order may be punished as contempt of court by the
 132 administrative judge of that circuit. Leave of court shall be
 133 granted by the court administrative judge only upon a showing
 134 that the proposed action, pleading, request for relief, or other
 135 document is meritorious and is not being filed for the purpose
 136 of delay or harassment. The court administrative judge may
 137 condition the filing of the proposed action, pleading, request
 138 for relief, or other document upon the furnishing of security as
 139 provided in this section.

140 (5) The clerk of the court may shall not file any new
 141 action or any pleading, request for relief, or other document in
 142 an action on behalf of a pro se by a vexatious litigant against
 143 whom a prefiling order has been entered pro-se unless the
 144 vexatious litigant has obtained an order from the court allowing
 145 administrative judge permitting such filing. If the clerk of the

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146 court mistakenly allows a pro se ~~permits~~ a vexatious litigant to
 147 file any new an action or any pleading, request for relief, or
 148 other document in an action pro-se in contravention of a
 149 prefiling order, any party to that action may file with the
 150 clerk and serve on the vexatious litigant plaintiff and all
 151 other parties defendants a notice stating that the ~~plaintiff is~~
 152 ~~a pro-se~~ vexatious litigant is subject to a prefiling order. The
 153 filing of such a notice shall automatically stay the litigation
 154 against all parties defendants to the action. The court
 155 ~~administrative judge~~ shall automatically dismiss the action or
 156 deny the pleading, request for relief, or other document filed
 157 by the vexatious litigant in an action with prejudice within 10
 158 days after the filing of such notice unless the vexatious
 159 litigant plaintiff files a motion for leave to file the new
 160 action or the pleading, request for relief, or other document.
 161 If the court administrative judge issues an order granting
 162 leave, the pleadings, or other responses permitting the action
 163 to be filed, the defendants need not plead or otherwise respond
 164 to the complaint or the pleading, request for relief, or other
 165 document need not be filed until 10 days after the date of
 166 service by the vexatious litigant plaintiff, by United States
 167 ~~mail,~~ of a copy of the order granting leave ~~to file the action~~.

168 (6) The clerk of a court shall provide copies of all
 169 prefiling orders to the Clerk of the Florida Supreme Court, who
 170 shall maintain a registry of all vexatious litigants.

171 (7) An automatic stay imposed under this section remains in
 172 effect until the court:

173 (a) In its discretion, vacates the stay;

174 (b) Rules, as applicable, on the motion for an order to

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175 post security under paragraph (3) (d) or the motion for leave
176 under subsection (5); or

177 (c) Dismisses the action or denies the pleading, request
178 for relief, or other document under subsection (5).

179 (8)(7) The relief provided under this section shall be
180 cumulative to any other relief or remedy available ~~to a~~
181 ~~defendant~~ under the laws of this state or the rules of court and
182 ~~the Florida Rules of Civil Procedure~~, including, but not limited
183 to, the relief provided under s. 57.105.

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



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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 everything after the enacting clause
and insert:

Section 1. Present subsection (7) of section 68.093,
Florida Statutes, is redesignated as subsection (8) and amended,
a new subsection (7) is added to that section, and subsections
(2) through (5) of that section are amended, to read:

68.093 Florida Vexatious Litigant Law.—

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



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11 (a) "Action" means an a-civil action:
12 1. Governed by the Florida Rules of Civil Procedure, rule
13 5.025 of and proceedings governed by the Florida Probate Rules,
14 or the Florida Small Claims Rules, but does not include actions
15 concerning family law matters governed by the Florida Family Law
16 Rules of Procedure; or
17 2. In another state court or federal court governed by
18 rules of procedure comparable to the rules of procedure
19 specified in subparagraph 1. or any action in which the Florida
20 Small Claims Rules apply.
21 (b) ~~"Defendant" means any person or entity, including a~~
22 ~~corporation, association, partnership, firm, or governmental~~
23 ~~entity, against whom an action is or was commenced or is sought~~
24 ~~to be commenced.~~
25 (c) "Security" means an undertaking by a vexatious litigant
26 to ensure payment to a party defendant in an amount reasonably
27 sufficient to cover the party's defendant's anticipated,
28 reasonable expenses of litigation, including attorney attorney's
29 fees and taxable costs.
30 (c) ~~(d)~~ "Vexatious litigant" means a person, as defined in
31 s. 1.01(3), proceeding pro se, who:
32 1. ~~A person as defined in s. 1.01(3) who,~~ In the
33 immediately preceding 7-year ~~5-year~~ period, has commenced,
34 prosecuted, or maintained, pro se, five or more ~~civil~~ actions in
35 any court which in this state, except an action governed by the
36 ~~Florida Small Claims Rules, which actions~~ have been finally and
37 adversely determined against such person, except an action may
38 not be included for purposes of this subparagraph if the court
39 finds that the action was commenced, prosecuted, or maintained



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40 in good faith ~~or entity; or~~

41 2. After an action has been finally and adversely
42 determined against the person, repeatedly relitigates or
43 attempts to relitigate either:

44 a. The validity of the determination against the same party
45 in an action that was finally determined; or

46 b. The cause of action, claim, controversy, or any of the
47 issues of fact or law determined by the final and adverse
48 determination against the same party in an action that was
49 finally determined;

50 3. Repeatedly files pleadings, requests for relief, or
51 other documents that have been the subject of previous rulings
52 by the court in the same action;

53 4. Repeatedly files unmeritorious pleadings, requests for
54 relief, or other documents;

55 5. Repeatedly conducts unnecessary discovery;

56 6. Repeatedly engages in other tactics that are frivolous
57 or solely intended to cause unnecessary delay in any action; or

58 7.2. Has been ~~Any person or entity~~ previously found to be a
59 vexatious litigant pursuant to this section or by another state
60 court or a federal court.

61
62 An action is not deemed to be "finally and adversely determined"
63 if an appeal in that action is pending. ~~If an action has been~~
64 ~~commenced on behalf of a party by an attorney licensed to~~
65 ~~practice law in this state, that action is not deemed to be pro~~
66 ~~se even if the attorney later withdraws from the representation~~
67 ~~and the party does not retain new counsel.~~

68 (3) (a) In any action pending in any court of this state,



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69 ~~including actions governed by the Florida Small Claims Rules,~~
70 any party defendant may move the court, upon notice and hearing,
71 for an order requiring an opposing party ~~the plaintiff~~ to
72 furnish security. The motion must ~~shall~~ be based on the grounds,
73 and supported by a showing, that the opposing party subject to
74 the motion ~~plaintiff~~ is a vexatious litigant and is not
75 reasonably likely to prevail on the merits of the action against
76 the moving party defendant.

77 (b) At the hearing ~~upon any defendant's motion~~ for an order
78 to post security, the court shall consider any evidence, written
79 or oral, by witness or affidavit, which may be relevant to the
80 consideration of the motion. A ~~No~~ determination made by the
81 court in such a hearing is not ~~shall be~~ admissible on the merits
82 of the action nor ~~or~~ deemed to be a determination of any issue
83 in the action. If, after hearing the evidence, the court
84 determines that the opposing party subject to the motion
85 ~~plaintiff~~ is a vexatious litigant and is not reasonably likely
86 to prevail on the merits of the action against the moving party
87 ~~defendant~~, the court must ~~shall~~ order the vexatious litigant
88 ~~plaintiff~~ to furnish security to the moving party defendant in
89 an amount and within such time as the court deems appropriate.

90 (c) If the vexatious litigant ~~plaintiff~~ fails to post
91 security required by an order of the court under this section
92 and the vexatious litigant is:

93 1. A plaintiff or petitioner, the court must ~~shall~~
94 immediately issue an order dismissing the action with prejudice
95 as to the moving party ~~defendant~~ for whose benefit the security
96 was ordered; or

97 2. A defendant or respondent, the court may immediately



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98 issue an order imposing one or more of the following sanctions,
99 as appropriate:

100 a. Denial of the vexatious litigant's request for relief;

101 b. Striking of the vexatious litigant's pleading or other
102 document or part thereof; or

103 c. Rendition of a judgment by default against the vexatious
104 litigant.

105 (d) If the ~~a~~ motion for an order to post security is filed
106 before ~~prior to~~ the trial in an action, the action is ~~shall be~~
107 automatically stayed and the moving party ~~defendant~~ need not
108 plead or otherwise respond to the vexatious litigant's
109 complaint, pleading, request for relief, or other document until
110 10 days after the motion for an order to post security is
111 denied. If the motion for an order to post security is granted,
112 the moving party ~~must~~ ~~defendant~~ ~~shall~~ respond or plead no later
113 than 10 days after the required security has been furnished.

114 (4) In addition to any other relief provided in this
115 section, the court in any judicial circuit may, on its own
116 motion or on the motion of any party, enter a prefiling order
117 prohibiting a vexatious litigant from commencing, pro se, any
118 new action in the courts of that circuit without first obtaining
119 leave of the court ~~administrative judge of that circuit.~~

120 Disobedience of such an order may be punished as contempt of
121 court ~~by the administrative judge of that circuit.~~ Leave of
122 court shall be granted by the court ~~administrative judge~~ only
123 upon a showing that the proposed action is meritorious and is
124 not being filed for the purpose of delay or harassment. The
125 court ~~administrative judge~~ may condition the filing of the
126 proposed action upon the furnishing of security as provided in



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127 this section.

128 (5) The clerk of the court may ~~shall~~ not file any new
129 action by a pro se vexatious litigant against whom a prefiling
130 order has been entered ~~pro se~~ unless the vexatious litigant has
131 obtained an order from the court allowing ~~administrative judge~~
132 ~~permitting~~ such filing. If the clerk of the court mistakenly
133 allows a pro se ~~permits a~~ vexatious litigant to file any new an
134 action ~~pro se~~ in contravention of a prefiling order, any party
135 to that action may file with the clerk and serve on the
136 vexatious litigant ~~plaintiff~~ and all other parties ~~defendants~~ a
137 notice stating that the ~~plaintiff is a pro se~~ vexatious litigant
138 is subject to a prefiling order. The filing of such a notice
139 ~~shall~~ automatically stays ~~stay~~ the litigation against all
140 parties ~~defendants~~ to the action. The court ~~administrative judge~~
141 shall automatically dismiss the action with prejudice within 10
142 days after the filing of such notice unless the vexatious
143 litigant ~~plaintiff~~ files a motion for leave to file the new
144 action. If the court ~~administrative judge~~ issues an order
145 granting leave, the pleadings or other responses ~~permitting the~~
146 ~~action to be filed, the defendants need not plead or otherwise~~
147 ~~respond~~ to the complaint need not be filed until 10 days after
148 the date of service by the vexatious litigant ~~plaintiff, by~~
149 ~~United States mail,~~ of a copy of the order granting leave ~~to~~
150 ~~file the action.~~

151 (7) An automatic stay imposed under this section remains in
152 effect until the court:

153 (a) In its discretion, vacates the stay;

154 (b) Rules, as applicable, on the motion for an order to
155 post security under paragraph (3) (d) or the motion for leave



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156 under subsection (5); or

157 (c) Dismisses the action under subsection (5).

158 (8)(7) The relief provided under this section is shall be
159 cumulative to any other relief or remedy available ~~to a~~
160 ~~defendant~~ under the laws of this state or the rules of court and
161 ~~the Florida Rules of Civil Procedure~~, including, but not limited
162 to, the relief provided under s. 57.105.

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

164

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

166 And the title is amended as follows:

167 Delete everything before the enacting clause
168 and insert:

169 A bill to be entitled
170 An act relating to vexatious litigants; amending s.
171 68.093, F.S.; revising definitions; expanding actions
172 subject to the Florida Vexatious Litigant Law;
173 revising eligibility for designation as a vexatious
174 litigant; revising sanctions and remedies for
175 vexatious litigation; prohibiting clerks of the court
176 from accepting certain filings from a vexatious
177 litigant; specifying the duration of an automatic stay
178 imposed against vexatious litigation; providing an
179 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 1650

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Vexatious Litigants

DATE: April 9, 2025

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>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1650 amends the Florida Vexatious Litigant Law, following suggestions from a workgroup appointed by the Supreme Court to examine the law. A vexatious litigant is one who files pro se meritless actions for the purpose of abusing or harassing the other party. Once found to be a vexatious litigant, a person is barred from filing pro se civil actions or pleadings in civil actions without court permission and the posting of security.

The bill expands the scope of the law to apply to family law and small claim cases, counts other instances where a person was found to be a vexatious litigant in another state or in federal court, lowers the threshold of adverse rulings that qualify one as a vexatious litigant from five cases in the past 5 years to a threshold of three cases in the past 7 years, allows a court to find that an individual qualifies as a vexatious litigant based on behavior in a single case, and clarifies that an individual found to be a vexatious litigant is prohibited from pro se filing of a new civil case and also is prohibited from the pro se filing of pleadings in a civil case. The bill also clarifies language and structure, including removing the terms “plaintiff” and “defendant” with more accurate references to “party.”

The bill may have a negative impact on filing fee revenue due to a decrease in the number of case filings and may increase workload for the clerks of court. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Background

The term “vexatious” generally means annoying, bothersome or irritating. In the legal context, a vexatious litigant is someone who files lawsuits or pleadings in legal actions which have little chance of succeeding but are intended to annoy someone or cause problems for them.¹ The problem with vexatious litigants is described as follows:

Vexatious conduct by litigants impedes the court system’s ability to timely and justly process cases. This conduct can take many forms. Common examples include: (1) filing multiple meritless lawsuits; (2) attempting to relitigate matters already decided by the court; and (3) submitting documents with harassing, scandalous, or sham material to the court.²

Current Law on Vexatious Litigants

A court has always had the inherent authority to sanction litigants and others appearing before the court for vexatious, bad faith, or oppressive conduct.³ The 2000 Legislature enacted the first law to address the issue of vexatious litigants at s. 68.093, F.S. A vexatious litigant is defined as:

A person . . . who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity; or any person or entity previously found to be a vexatious litigant.⁴

If a person has been found to be a vexatious litigant, a defendant in any action involving the vexatious litigant may ask the court to order the vexatious litigant to post security before commencing.⁵ If the court finds that person is a vexatious litigant and that the person is unlikely to prevail in the action, the court may order the vexatious litigant to post security before proceeding. The amount and form of security is not specified. The apparent purpose of security is to have a fund from which the defendant can collect attorney fees and costs should the defendant ultimately prevail in defeating the vexatious litigation or motion and the defendant then prevail on a motion for attorney fees and costs related to the litigation or motion.⁶ If the security is not timely posted, the court must dismiss the action with prejudice.

The court may also enter an order prohibiting a vexatious litigant from commencing any new pro se action without permission. A vexatious litigant subject to this order must ask the

¹ Cambridge English Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/vexatious>.

² Workgroup on Vexatious Litigants, *Final Report and Recommendations*, September 6, 2024, at page 11.

³ *Final Report*, at 13.

⁴ Section 68.093(2)(d), F.S.

⁵ Section 68.093(3), F.S.

⁶ In some lawsuits a party may have statutory or contractual right to attorney fees. Attorney fees may also be awarded in civil actions for filing or prosecuting a claim that is without merit. Section 57.105, F.S.

administrative judge of that circuit for permission to file an action. The vexatious litigant must show that the proposed action is meritorious and is not being filed for the purpose of delay or harassment.⁷ The court may require the posting of security. The clerk of the court must refuse to file a lawsuit from a vexatious litigant absent permission of the administrative judge.⁸ The clerk of court must forward a copy of an order finding a person to be a vexatious litigant to the Supreme Court, where a statewide list of vexatious litigants is kept.⁹ Currently, there are 233 entries on the list representing 116 individuals.¹⁰ The Workgroup speculates that there are many more persons who qualify for and should be on the list.¹¹

The Florida Vexatious Litigant Law has not been amended since passage in 2000.

Other statutes address vexatious behavior, notably s. 57.105, F.S., which authorizes a court to award attorney fees and costs to the prevailing party on certain unsupported claims or defenses. If the nonprevailing party was represented, the sanction generally must be paid in equal parts by the losing party and the losing party's attorney.

Perceived Concerns Regarding Current Law

In 2024, the Florida Supreme Court created the Workgroup on Vexatious Litigants. The charge was "to enhance the effectiveness of Florida's Vexatious Litigant Law and to address issues related to the public disclosure of harmful and defamatory content in noncriminal court filings."¹²

The Workgroup found that the current law does not adequately address the harm from vexatious litigation. This harm is not limited to the harm done to defendants who are dragged into the fray. In a recent survey, 18.2% of circuit court judges and 14% of county court judges estimated that dealing with improper litigation consumed more than 10% of their judicial workload.¹³ Only 27% of trial court judges found the current Vexatious Litigant Law effective in addressing improper litigation.¹⁴ The Workgroup suggests that the law "should be expanded to cover a wider range of improper conduct."¹⁵

The Workgroup also recommends that certain court pleadings of a vexatious nature be shielded from public inspection. The recommendation related to public records is reflected in a separate bill.

⁷ Section 68.093(4), F.S.

⁸ Section 68.093(5), F.S.

⁹ Section 68.093(6), F.S.

¹⁰ Vexatious Litigants list dated March 6, 2025. Link to list at: <https://supremecourt.flcourts.gov/About-the-Court/Departments-of-the-Court/Clerk-s-Office>. One individual has 11 findings that he is a vexatious litigant.

¹¹ *Final Report*, at 18.

¹² *Final Report* at 4.

¹³ *Id.* at 11-12.

¹⁴ *Id.* at 13.

¹⁵ *Id.* at 23.

III. Effect of Proposed Changes:

The bill amends and expands the Florida Vexatious Litigant Law to reflect the suggestions of the Florida Supreme Court Workgroup.

The test for categorization of one as a vexatious litigant is a formula based on the number of previous adverse rulings of limited types over a limited period of time. The bill expands the definitions of “action” and “vexatious litigant” to:

- Expand the types of actions that apply to include family law actions and small claims litigation.¹⁶
- Expand the court jurisdictions in which a case filing will apply the formula to include federal courts and courts of other states, where those courts have heard civil matters of a type that would qualify if filed in a Florida court.
- Lower the threshold of cases that resulted in an adverse result from 5 to 3.
- Expand the look-back period from 5 years to 7 years.
- Remove references to “plaintiff” and “defendant” to more accurately refer to “party.”
- Provide that actions by a pro se party acting after withdrawal of his or her attorney are counted as if the case had initially been filed pro se.
- Provide that an adverse ruling where the person acted in good faith does not count against the person in calculating the number of adverse prior results.

The bill expands the definition of a vexatious litigant to include a person who, in any civil case:

- After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either the validity of the determination against the same party as to whom the action was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party as to whom the action was finally determined;
- Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action; or
- Repeatedly files unmeritorious pleadings, requests for relief, or other documents; conducts unnecessary discovery; or engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action.

Current law also defines a vexatious litigant (in the case at issue) as any person who has previously been found to be a vexatious litigant pursuant to s. 68.093, F.S. The bill expands this to provide that anyone found to be a vexatious litigant in any other state or by any federal court is a vexatious litigant in Florida.

The bill clarifies that a vexatious litigant is barred not only from the pro se filing of any new civil action but is barred from pro se filing of pleadings in any civil action. The remedies provisions of the bill are amended to provide that a complaint by a vexatious litigant is subject to dismissal; whereas, a motion or other pleading filed by a vexatious litigant is subject to being stricken or denied.

¹⁶ The Small Claim Rules currently apply to a civil action for \$8,000 or less. Fla.Sm.Cl.R. 7.010(b). At the time that this law was passed in 2000, they applied to a civil action for \$2,500 or less.

Where the clerk mistakenly files a case or pleading from a vexatious litigant, or where the court finds that a party qualifies as a vexatious litigant, the bill provides that the action is automatically stayed pending review by the court and possible order requiring the vexatious litigant to post security. The bill also specifies that the automatic stay is in effect until the court acts.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may discourage the filing of frivolous lawsuits and allow the private sector to avoid costs for defending against these lawsuits.

C. Government Sector Impact:

The Office of the State Courts Administrator furnished the following information regarding potential workload and fiscal impacts of this bill:

If the proposed amendments are enacted, judicial workload to enforce the expanded Florida Vexatious Litigant Law may increase (e.g., conducting hearings and entering orders); however, any increase in judicial workload is expected to be offset by the

reduction in filings by vexatious litigants. The revenue impact of this legislation is indeterminate but negative, due to the potential reduction of filing fee revenue associated with expanded applicability of the Florida Vexatious Litigant Law. 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 enforcement of the expanded Florida Vexatious Litigant Law and a potential reduction in filings.¹⁷

The Florida Court Clerks and Comptrollers anticipate an increased workload due to the bill's expansion of a person who may be deemed a vexatious litigant. The clerks review process for verifying that a person is not a vexatious litigant is not automated, so there will be a commensurate increase in staff workload for every newly deemed vexatious litigant.¹⁸ This workload can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 68.093 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Judiciary on March 19, 2025:

The committee substitute clarified language regarding the filing of a case and the filing of a pleading in a case.

B. Amendments:

None.

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

¹⁷ Office of the State Courts Administrator, *2025 Judicial Impact Statement for SB 1650*, March 17, 2025, at 4.

¹⁸ The Florida Clerk of Court and Comptrollers, *2025 Judicial Impact Statement for SB 1650*, March 28, 2025.

By the Committee on Judiciary; and Senator Grall

590-02606-25

20251652c1

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0714, F.S.; providing an exemption from public
 4 records requirements for a matter in a pleading, a
 5 request for relief, or other document which has been
 6 stricken by the court in a noncriminal case if the
 7 court makes specific findings; providing a statement
 8 of public necessity; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraph (m) is added to subsection (1) of
 13 section 119.0714, Florida Statutes, to read:
 14 119.0714 Court files; court records; official records.—
 15 (1) COURT FILES.—Nothing in this chapter shall be construed
 16 to exempt from s. 119.07(1) a public record that was made a part
 17 of a court file and that is not specifically closed by order of
 18 court, except:
 19 (m) Any matter in a pleading, a request for relief, or
 20 other document that has been stricken by the court in a
 21 noncriminal case pursuant to the rules of court if the court
 22 finds that such matter:
 23 1. Is immaterial, impertinent, or sham; and
 24 2. Would defame or cause unwarranted damage to the good
 25 name or reputation of an individual or jeopardize the safety of
 26 an individual.
 27 Section 2. The Legislature finds that it is a public
 28 necessity that an immaterial, impertinent, or sham matter that
 29 would defame or cause unwarranted damage to the good name or

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590-02606-25

20251652c1

30 reputation of an individual or jeopardize the safety of an
 31 individual, and that has been stricken by a court in a
 32 noncriminal case, be made confidential and exempt from s.
 33 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 34 State Constitution. The Legislature finds that such stricken
 35 matters, if they remain in the public record, cause unwarranted
 36 and ongoing harm to affected persons and serve no identifiable
 37 public purpose. The Legislature further finds that the harm that
 38 may result from the release of such stricken matters outweighs
 39 any public benefit that may be derived from the disclosure of
 40 the stricken matter.
 41 Section 3. This act shall take effect July 1, 2025.

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164838

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment

Delete lines 19 - 20

and insert:

(m) Any matter in a pleading, in a request for relief, or
in any other document that has been stricken by the court in a

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 1652

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court

DATE: April 9, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1652 creates a public records exemption for certain information in a document stricken by a court in a noncriminal case. For the exemption to apply, the court must find that the matter is immaterial, impertinent, or sham and would defame or cause unwarranted damage to an individual's good name or reputation or jeopardize his or her safety. This kind of information often appears in court proceedings involving a "vexatious litigant." A vexatious litigant is a person who has filed multiple lawsuits that are meritless; however, these individuals are also known to submit documents that are considered scandalous or harassing.

The bill also contains a statement of public necessity as required by law. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that has been stricken by a court in a noncriminal case be made confidential and exempt from public records laws. This is necessary because the matter would cause unwarranted damage and ongoing harm to an individual and perhaps jeopardize the individual's safety. The potential harm that could result from the release of the stricken matter outweighs the public benefit that could be derived from the information if it were disclosed.

The bill is expected to have an insignificant negative fiscal impact on state expenditures. See Section V., Fiscal Impact Statement.

The bill will take effect July 1, 2025.

II. Present Situation:

Vexatious Litigant

A “vexatious litigant” is defined in general terms to be a person or entity who, in the immediate past 5 years, has commenced, prosecuted, or maintained, pro se,¹ five or more civil actions in any court in the state except in small claims court, and all of the cases were decided adversely against the person or entity.²

In 2000, the Florida Vexatious Litigant Law was enacted to deter vexatious litigants from repeatedly filing lawsuits that were determined to be frivolous.³ These filings consume a considerable amount of the court system’s time as well as the time and financial resources of the person being taken to court. Although the law has been challenged in court as denying a person access to the court system as guaranteed in the State Constitution,⁴ the law has been upheld on appeal as being constitutional.⁵ Courts have noted that, while the State Constitution does provide a right of access to the courts, the right is not without limits and may be properly restricted when a litigant abuses the legal process with repeated and frivolous pleadings.⁶

In 2021, an initial “Workgroup on Sanctions for Vexatious and Sham Litigation” was established by the Chief Justice of the Florida Supreme Court to make recommendations on rule and statutory amendments that would effectively address vexatious or sham litigation in noncriminal cases.⁷ Three years later, another workgroup was established. In 2024, the Chief Justice of the Florida Supreme Court established the “Workgroup on Vexatious Litigants.”⁸ The purpose of the workgroup was to recommend ways the law could be improved and address the public disclosure of “improper matters stricken from noncriminal court filings” that could defame individuals and harm their reputations. Among the recommendations made by the workgroup was the recommendation to create a public records exemption for the damaging material described above that could harm, defame or endanger a person in a noncriminal action filed by a vexatious litigant.⁹

Public Records Requirements

The State Constitution guarantees every person the right to inspect or copy any public record made or received in connection with the official business of the state, except for records

¹ A pro se litigant is someone who represents himself or herself in a judicial proceeding without a lawyer. BLACK’S LAW DICTIONARY (12th ed. 2024).

² See s. 68.093, F.S. The law has not been amended since it was enacted 25 years ago.

³ Ch. 2000-314, s. 1, Laws of Fla.

⁴ FLA. CONST. art. I, s. 21.

⁵ *Smith v. Fisher*, 965 So. 2d 205 (Fla. 4th DCA 2007) and *Brown v. Miami-Dade County*, 319 So. 3d 81 (Fla. 3rd DCA 2021).

⁶ *Id.*

⁷ *In re: Workgroup on Sanctions for Vexatious and Sham Litigation*, Fla. Admin Order No. AOSC21-62 (Dec. 9, 2021) (<https://supremecourt.flcourts.gov/content/download/813326/file/AOSC21-62.pdf>).

⁸ *In re: Workgroup on Vexatious Litigants*, Fla. Admin. Order no. AOSC24-19 (April 26, 2024), (<https://supremecourt.flcourts.gov/content/download/2424918/file/AOSC24-19.pdf>).

⁹ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, (Sept. 6, 2024) (<https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>).

exempted under the Constitution. This right of access to inspect or copy records encompasses records of the judicial branch.¹⁰

Separation of Powers and the Judicial Branch

However, under the doctrine of separation of powers found in Article II, section 3 of the State Constitution, the Florida Supreme Court has the authority to regulate the public's access to judicial records and bears the responsibility to protect records of the judicial branch.¹¹ To implement this "inherent authority," the Court adopted what is now referred to as Rule of General Practice and Judicial Administration 2.420.¹² The rule governs public access to judicial branch records and provides which records are exempt from the public.

In its report, the workgroup noted that under existing law, "even the most inflammatory and palpably false allegations struck by the court remain in the public record." The workgroup further noted that its authority to seal records has its limitations and concluded that the "only tool available to prevent the ongoing publication" of the defamatory remarks was a public records exemption.¹³ Accordingly, the substance of that conclusion is contained in this bill.

Open Government Sunset Review Act – Exceptions for the Judicial Branch

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

III. Effect of Proposed Changes:

The bill exempts from public disclosure any matter in a pleading, a request for relief, or other document that has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds the matter:

- Is immaterial, impertinent, or sham; *and*
- Would defame an individual or cause unwarranted damage to that person's good name or reputation or jeopardize his or her safety.

The bill contains a statement of public necessity that must accompany a public records exemption. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or reputation of

¹⁰ FLA. CONST. art. I, s. 24.

¹¹ See *supra* note 9 which cites *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988) and *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

¹² See *supra* note 9. The rule is found here: <https://www.flcourts.gov/content/download/219096/file/RULE-2-420-Jan2014.pdf>.

¹³ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, 42-43 (Sept. 6, 2024), <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>.

an individual or jeopardize his or her safety, and that has been stricken by a court in a noncriminal case be made confidential and exempt from public record provisions. This is necessary because the stricken matters would cause unwarranted and ongoing harm if they remain in the public record. These matters also serve no identifiable public purpose. The potential harm that could result from the release of the information outweighs the public benefit that could be derived from the information if it were disclosed.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

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

Public Necessity Statement

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

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires that an exemption to the public records requirements be no broader than necessary to accomplish the stated purpose of the law. This bill exempts from the public records requirements only specific matters in noncriminal cases. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce the financial harm to individuals which results from defamatory information in court files.

C. Government Sector Impact:

Judges and court clerks may have additional workload resulting from the need to redact information in filed documents. However, the workload can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0714 of the Florida Statutes.

IX. Additional Information:

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

CS by Judiciary on March 19, 2025:

The committee substitute differs from the underlying bill by:

- Replacing the term “information in a document” with the expanded term “matter in a pleading, a request for relief, or other document ... pursuant to the rules of court.”
- Replaces the word “untrue” with the word “sham,” which is a term of art having a specific meaning.
- Deletes the retroactive provision.
- Deletes the 5-year legislative review process under the Open Government Sunset Review.
- Changes the effective date to July 1, 2025, and removes the reference to the bill being tied to SB 1650.

B. Amendments:

None.

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

By Senator Martin

33-00749B-25

20251654__

A bill to be entitled

An act relating to registration of sexual predators and sexual offenders; amending s. 775.21, F.S.; revising and providing definitions; revising reporting requirements for sexual predators; revising requirements for an online reporting system; revising verification requirements; providing criminal penalties; amending s. 943.0435, F.S.; revising reporting requirements for sexual offenders; revising verification requirements; providing criminal penalties; providing an effective date.

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

Section 1. Paragraphs (k), (n), and (o) of subsection (2), paragraphs (a), (f), and (g) of subsection (6), subsection (8), and paragraph (a) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

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

(k) "Permanent residence" means a place where the person abides, lodges, or resides for 3 or more consecutive days which 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 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.

(n) 1. "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to,

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vacation, business, or personal travel destinations in or out of this state, for ~~a period of~~ 3 or more days in the aggregate during any calendar year and which is not the person's permanent ~~or transient residence. address or,~~ For a person whose permanent residence is not in this state, the term includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

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.

For the purpose of calculating a temporary residence under this paragraph, 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.

(o) "Transient residence" means a county where the person 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 ~~and~~ which is not the person's permanent or temporary residence ~~address~~. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a transient residence under this paragraph, the first day that a person 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.

(6) REGISTRATION.—

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59 (a) A sexual predator shall register with the department
60 through the sheriff's office by providing the following
61 information to the department:

62 1. Name; social security number; age; race; sex; date of
63 birth; height; weight; tattoos or other identifying marks; hair
64 and eye color; photograph; address of permanent or legal
65 residence and address of any current temporary residence, within
66 this state or out of state, including a rural route address and
67 a post office box; if he or she has no permanent or temporary
68 address, any transient residence within this state; address,
69 location or description, and dates of any current or known
70 future temporary residence within this state or out of state;
71 electronic mail addresses; Internet identifiers and each
72 Internet identifier's corresponding website homepage or
73 application software name; home telephone numbers and cellular
74 telephone numbers; employment information, including occupation,
75 business name, employment address, and telephone number; the
76 make, model, color, vehicle identification number (VIN), and
77 license tag number of all vehicles owned; date and place of each
78 conviction; fingerprints; palm prints; and a brief description
79 of the crime or crimes committed by the sexual predator
80 ~~offender~~. A post office box may not be provided in lieu of a
81 physical residential address. The sexual predator shall also
82 produce his or her passport, if he or she has a passport, and,
83 if he or she is an alien, shall produce or provide information
84 about documents establishing his or her immigration status. The
85 sexual predator shall also provide information about any
86 professional licenses he or she has.

87 a. Any change that occurs after the sexual predator

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88 registers in person at the sheriff's office as provided in this
89 subparagraph in any of the following information related to the
90 sexual predator must be reported as provided in paragraphs (g),
91 (i), and (j): permanent, temporary, or transient residence;
92 name; electronic mail addresses; Internet identifiers and each
93 Internet identifier's corresponding website homepage or
94 application software name; home and cellular telephone numbers;
95 employment information; and status at an institution of higher
96 education.

97 b. If the sexual predator's place of residence is a motor
98 vehicle, trailer, mobile home, or manufactured home, as those
99 terms are defined in chapter 320, the sexual predator shall also
100 provide to the department written notice of the vehicle
101 identification number (VIN); the license tag number; the
102 registration number; and a description, including color scheme,
103 of the motor vehicle, trailer, mobile home, or manufactured
104 home. If a sexual predator's place of residence is a vessel,
105 live-aboard vessel, or houseboat, as those terms are defined in
106 chapter 327, the sexual predator shall also provide to the
107 department written notice of the hull identification number; the
108 manufacturer's serial number; the name of the vessel, live-
109 aboard vessel, or houseboat; the registration number of the
110 vessel, live-aboard vessel, or houseboat; and a description,
111 including color scheme, of the vessel, live-aboard vessel, or
112 houseboat.

113 c. If the sexual predator is enrolled or employed, whether
114 for compensation or as a volunteer, at an institution of higher
115 education in this state, the sexual predator shall also provide
116 to the department the name, address, and county of each

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117 institution, including each campus attended, and the sexual
 118 predator's enrollment, volunteer, or employment status. The
 119 sheriff, the Department of Corrections, or the Department of
 120 Juvenile Justice shall promptly notify each institution of
 121 higher education of the sexual predator's presence and any
 122 change in the sexual predator's enrollment, volunteer, or
 123 employment status.

124 d. A sexual predator shall report to the department through
 125 the department's online system or in person to the sheriff's
 126 office within 48 hours after any change in vehicles owned to
 127 report those vehicle information changes. A sexual predator who
 128 is in the custody or control of, or under the supervision of the
 129 Department of Corrections, or in the custody or control of, or
 130 under the supervision of the Department of Juvenile Justice,
 131 shall report in person to the sheriff's office within 48 hours
 132 after any change in vehicles owned to report those vehicle
 133 information changes.

134 2. Any other information determined necessary by the
 135 department, including criminal and corrections records;
 136 nonprivileged personnel and treatment records; and evidentiary
 137 genetic markers when available.

138 (f) Within 48 hours after the registration required under
 139 paragraph (a) or paragraph (e), a sexual predator who is not
 140 incarcerated and who resides in the community, including a
 141 sexual predator under the supervision of the Department of
 142 Corrections, shall report ~~register~~ in person at a driver license
 143 office of the Department of Highway Safety and Motor Vehicles
 144 and shall present proof of registration unless a driver license
 145 or an identification card that complies with the requirements of

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146 s. 322.141(3) was previously secured or updated under s.
 147 944.607. At the driver license office the sexual predator shall:
 148 1. If otherwise qualified, secure a Florida driver license,
 149 renew a Florida driver license, or secure an identification
 150 card. The sexual predator shall identify himself or herself as a
 151 sexual predator who is required to comply with this section,
 152 provide his or her place of permanent, temporary, or transient
 153 residence, including a rural route address and a post office
 154 box, and submit to the taking of a photograph for use in issuing
 155 a driver license, a renewed license, or an identification card,
 156 and for use by the department in maintaining current records of
 157 sexual predators. A post office box may not be provided in lieu
 158 of a physical residential address. If the sexual predator's
 159 place of residence is a motor vehicle, trailer, mobile home, or
 160 manufactured home, as those terms are defined in chapter 320,
 161 the sexual predator shall also provide to the Department of
 162 Highway Safety and Motor Vehicles the vehicle identification
 163 number (VIN); the license tag number; the registration number;
 164 and a description, including color scheme, of the motor vehicle,
 165 trailer, mobile home, or manufactured home. If a sexual
 166 predator's place of residence is a vessel, live-aboard vessel,
 167 or houseboat, as those terms are defined in chapter 327, the
 168 sexual predator shall also provide to the Department of Highway
 169 Safety and Motor Vehicles the hull identification number; the
 170 manufacturer's serial number; the name of the vessel, live-
 171 aboard vessel, or houseboat; the registration number of the
 172 vessel, live-aboard vessel, or houseboat; and a description,
 173 including color scheme, of the vessel, live-aboard vessel, or
 174 houseboat.

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175 2. Pay the costs assessed by the Department of Highway
 176 Safety and Motor Vehicles for issuing or renewing a driver
 177 license or an identification card as required by this section.
 178 The driver license or identification card issued to the sexual
 179 predator must comply with s. 322.141(3).

180 3. Provide, upon request, any additional information
 181 necessary to confirm the identity of the sexual predator,
 182 including a set of fingerprints.

183 (g)1.a. Each time a sexual predator's driver license or
 184 identification card is subject to renewal, and, without regard
 185 to the status of the sexual predator's driver license or
 186 identification card, within 48 hours after any change of the
 187 sexual predator's residence or change in the sexual predator's
 188 name by reason of marriage or other legal process, the sexual
 189 predator shall report in person to a driver license office and
 190 is subject to the requirements specified in paragraph (f). The
 191 Department of Highway Safety and Motor Vehicles shall forward to
 192 the department and to the Department of Corrections all
 193 photographs and information provided by sexual predators.
 194 Notwithstanding the restrictions set forth in s. 322.142, the
 195 Department of Highway Safety and Motor Vehicles may release a
 196 reproduction of a color-photograph or digital-image license to
 197 the Department of Law Enforcement for purposes of public
 198 notification of sexual predators as provided in this section. A
 199 sexual predator who is unable to secure or update a driver
 200 license or an identification card with the Department of Highway
 201 Safety and Motor Vehicles as provided in paragraph (f) and this
 202 paragraph shall ~~also~~ report any change in the sexual predator's
 203 permanent, temporary, or transient residence or change in the

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204 sexual predator's name by reason of marriage or other legal
 205 process within 48 hours after the change in person to the
 206 sheriff's office in the county where the sexual predator resides
 207 or is located ~~and provide confirmation that he or she reported~~
 208 ~~such information to the Department of Highway Safety and Motor~~
 209 ~~Vehicles.~~ The reporting requirements under this sub-subparagraph
 210 subparagraph do not negate the requirement for a sexual predator
 211 to obtain a Florida driver license or identification card as
 212 required by this section. This sub-subparagraph does not apply
 213 to an in-state travel residence.

214 b. A sexual predator shall report an in-state travel
 215 residence within 48 hours after establishing the residence. The
 216 report shall be made through the department's online system; in
 217 person at the sheriff's office in the county in which the sexual
 218 predator is located; in person at the Department of Corrections
 219 if the sexual predator is in the custody or control of, or under
 220 the supervision of the Department of Corrections; or in person
 221 at the Department of Juvenile Justice if the sexual predator is
 222 in the custody or control of, or under the supervision of the
 223 Department of Juvenile Justice.

224 2.a. A sexual predator who vacates a permanent, temporary,
 225 or transient residence and fails to establish or maintain
 226 another permanent, temporary, or transient residence shall,
 227 within 48 hours after vacating the permanent, temporary, or
 228 transient residence, report in person to the sheriff's office of
 229 the county in which he or she is located. The sexual predator
 230 shall specify the date upon which he or she intends to or did
 231 vacate such residence. The sexual predator shall provide or
 232 update all of the registration information required under

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233 paragraph (a). The sexual predator shall provide an address for
234 the residence or other place where he or she is or will be
235 located during the time in which he or she fails to establish or
236 maintain a permanent or temporary residence.

237 b. A sexual predator shall report in person at the
238 sheriff's office in the county in which he or she is located
239 within 48 hours after establishing a transient residence and
240 thereafter must report in person every 30 days to the sheriff's
241 office in the county in which he or she is located while
242 maintaining a transient residence. The sexual predator must
243 provide the addresses and locations where he or she maintains a
244 transient residence. Each sheriff's office shall report
245 transient residence information in a manner prescribed by the
246 department and provide notice to transient registrants to report
247 transient residence information as required in this sub-
248 subparagraph. Reporting to the sheriff's office as required by
249 this sub-subparagraph does not exempt registrants from any
250 reregistration requirement. The sheriff may coordinate and enter
251 into agreements with police departments and other governmental
252 entities to facilitate additional reporting sites for transient
253 residence registration required in this sub-subparagraph. The
254 sheriff's office shall electronically submit to and update with
255 the department all such information within 2 business days after
256 the sexual predator provides it to the sheriff's office.

257 3. A sexual predator who remains at a permanent, temporary,
258 or transient residence after reporting his or her intent to
259 vacate such residence shall, within 48 hours after the date upon
260 which the sexual predator indicated he or she would or did
261 vacate such residence, report in person to the sheriff's office

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262 to which he or she reported pursuant to subparagraph 2. for the
263 purpose of reporting his or her address at such residence. When
264 the sheriff receives the report, the sheriff shall promptly
265 convey the information to the department. A sexual predator who
266 makes a report as required under subparagraph 2. but fails to
267 make a report as required under this subparagraph commits a
268 felony of the second degree, punishable as provided in s.
269 775.082, s. 775.083, or s. 775.084.

270 4. The failure of a sexual predator who maintains a
271 transient residence to report in person to the sheriff's office
272 every 30 days as required by sub-subparagraph 2.b. is punishable
273 as provided in subsection (10).

274 5.a. A sexual predator shall register all electronic mail
275 addresses and Internet identifiers, and each Internet
276 identifier's corresponding website homepage or application
277 software name, with the department through the department's
278 online system or in person at the sheriff's office within 48
279 hours after using such electronic mail addresses or Internet
280 identifiers. If the sexual predator is in the custody or
281 control, or under the supervision, of the Department of
282 Corrections, he or she must report all electronic mail addresses
283 and Internet identifiers, and each Internet identifier's
284 corresponding website homepage or application software name, to
285 the Department of Corrections before using such electronic mail
286 addresses or Internet identifiers. If the sexual predator is in
287 the custody or control, or under the supervision, of the
288 Department of Juvenile Justice, he or she must report all
289 electronic mail addresses and Internet identifiers, and each
290 Internet identifier's corresponding website homepage or

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291 application software name, to the Department of Juvenile Justice
 292 before using such electronic mail addresses or Internet
 293 identifiers.

294 b. A sexual predator shall register ~~all changes to vehicles~~
 295 ~~owned~~, all changes to home telephone numbers and cellular
 296 telephone numbers, including added and deleted numbers, all
 297 changes to employment information, including the creation of a
 298 new business if self-employed, and all changes in status related
 299 to enrollment, volunteering, or employment at institutions of
 300 higher education, through the department's online system; in
 301 person at the sheriff's office; in person at the Department of
 302 Corrections if the sexual predator is in the custody or control,
 303 or under the supervision, of the Department of Corrections; or
 304 in person at the Department of Juvenile Justice if the sexual
 305 predator is in the custody or control, or under the supervision,
 306 of the Department of Juvenile Justice. All changes required to
 307 be reported in this sub-subparagraph shall be reported within 48
 308 hours after the change.

309 c. The department shall establish an online system through
 310 which sexual predators may securely access, submit, and update
 311 all changes in status to in-state travel residences; all
 312 vehicles owned; electronic mail addresses; Internet identifiers
 313 and each Internet identifier's corresponding website homepage or
 314 application software name; home telephone numbers and cellular
 315 telephone numbers; employment information; and institution of
 316 higher education information.

317 (8) VERIFICATION.—The department and the Department of
 318 Corrections shall implement a system for verifying the addresses
 319 of sexual predators. The system must be consistent with the

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320 federal Adam Walsh Child Protection and Safety Act of 2006 and
 321 any other federal standards applicable to such verification or
 322 required to be met as a condition for the receipt of federal
 323 funds by the state. The Department of Corrections shall verify
 324 the addresses of sexual predators who are not incarcerated but
 325 who reside in the community under the supervision of the
 326 Department of Corrections and shall report to the department any
 327 failure by a sexual predator to comply with registration
 328 requirements. County and local law enforcement agencies, in
 329 conjunction with the department, shall verify the addresses of
 330 sexual predators who are not under the care, custody, control,
 331 or supervision of the Department of Corrections at least four
 332 times per calendar year, and may verify the addresses of sexual
 333 predators who are under the care, custody, control, or
 334 supervision of the Department of Corrections. Local law
 335 enforcement agencies shall report to the department any failure
 336 by a sexual predator to comply with registration requirements.

337 (a) A sexual predator shall report in person each year
 338 during the month of the sexual predator's birthday and during
 339 every third month thereafter to the sheriff's office in the
 340 county in which he or she resides or is otherwise located to
 341 reregister. The sheriff's office may determine the appropriate
 342 times and days for reporting by the sexual predator, which must
 343 be consistent with the reporting requirements of this paragraph.
 344 Reregistration must include any changes to the following
 345 information:

346 1. Name; social security number; age; race; sex; date of
 347 birth; height; weight; tattoos or other identifying marks; hair
 348 and eye color; address of any permanent residence and address of

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349 any current temporary residence, within this state or out of
 350 state, including a rural route address and a post office box; if
 351 he or she has no permanent or temporary address, any transient
 352 residence within this state including the address, location or
 353 description of the transient residences, and dates of any
 354 current or known future temporary residence within this state or
 355 out of state; all electronic mail addresses; all Internet
 356 identifiers and each Internet identifier's corresponding website
 357 homepage or application software name; all home telephone
 358 numbers and cellular telephone numbers; ~~date and place of any~~
 359 employment information, including occupation, business name,
 360 employment address, and telephone number; the make, model,
 361 color, vehicle identification number (VIN), and license tag
 362 number of all vehicles owned; fingerprints; palm prints; and
 363 photograph. A post office box may not be provided in lieu of a
 364 physical residential address. The sexual predator shall also
 365 produce his or her passport, if he or she has a passport, and,
 366 if he or she is an alien, shall produce or provide information
 367 about documents establishing his or her immigration status. The
 368 sexual predator shall also provide information about any
 369 professional licenses he or she has.

370 2. If the sexual predator is enrolled or employed, whether
 371 for compensation or as a volunteer, at an institution of higher
 372 education in this state, the sexual predator shall also provide
 373 to the department the name, address, and county of each
 374 institution, including each campus attended, and the sexual
 375 predator's enrollment, volunteer, or employment status.

376 3. If the sexual predator's place of residence is a motor
 377 vehicle, trailer, mobile home, or manufactured home, as those

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378 terms are defined in chapter 320, the sexual predator shall also
 379 provide the vehicle identification number (VIN); the license tag
 380 number; the registration number; and a description, including
 381 color scheme, of the motor vehicle, trailer, mobile home, or
 382 manufactured home. If the sexual predator's place of residence
 383 is a vessel, live-aboard vessel, or houseboat, as those terms
 384 are defined in chapter 327, the sexual predator shall also
 385 provide the hull identification number; the manufacturer's
 386 serial number; the name of the vessel, live-aboard vessel, or
 387 houseboat; the registration number of the vessel, live-aboard
 388 vessel, or houseboat; and a description, including color scheme,
 389 of the vessel, live-aboard vessel, or houseboat.

390 (b) The sheriff's office shall electronically submit to and
 391 update with the department, in a manner prescribed by the
 392 department, all such information within 2 business days after
 393 the sexual predator provides it to the sheriff's office.

394 (10) PENALTIES.—

395 (a) Except as otherwise specifically provided, a sexual
 396 predator who fails to register; who fails, after registration,
 397 to maintain, acquire, or renew a driver license or an
 398 identification card; who fails to provide required location
 399 information or change-of-name information; who fails to provide
 400 electronic mail addresses, Internet identifiers, and each
 401 Internet identifier's corresponding website homepage or
 402 application software name; who fails to provide all home
 403 telephone numbers and cellular telephone numbers; who fails to
 404 report any changes to employment information, including the
 405 addition of new employment, termination of existing employment,
 406 and changes to the occupation, business name, employment

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407 address, and telephone number of previously reported employment;
 408 who fails to report any ~~ex~~ changes in status at an institution
 409 of higher education; who fails to report any changes to vehicles
 410 owned, including the addition of new vehicles and changes to the
 411 make, model, color, vehicle identification number (VIN), and
 412 license tag numbers of previously reported vehicles; who fails
 413 to make a required report in connection with vacating a
 414 permanent residence; who fails to reregister as required; who
 415 fails to respond to any address verification correspondence from
 416 the department or from county or local law enforcement agencies
 417 within 3 weeks after the date of the correspondence; who
 418 knowingly provides false registration information by act or
 419 omission; or who otherwise fails, by act or omission, to comply
 420 with the requirements of this section commits a felony of the
 421 third degree, punishable as provided in s. 775.082, s. 775.083,
 422 or s. 775.084. Each instance of a failure to register or report
 423 changes to the required information specified in this paragraph
 424 constitutes a separate offense.

425 Section 2. Paragraph (b) of subsection (2), paragraph (b)
 426 of subsection (3), paragraphs (a) and (e) of subsection (4),
 427 subsection (6), paragraph (a) of subsection (9), and paragraph
 428 (c) of subsection (14) of section 943.0435, Florida Statutes,
 429 are amended to read:

430 943.0435 Sexual offenders required to register with the
 431 department; penalty.—

432 (2) Upon initial registration, a sexual offender shall:

433 (b) Provide his or her name; date of birth; social security
 434 number; race; sex; height; weight; tattoos or other identifying
 435 marks; hair and eye color; fingerprints; palm prints;

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436 photograph; employment information, including occupation,
 437 business name, employment address, and telephone number; address
 438 of permanent or legal residence and ~~ex~~ address of any current
 439 temporary residence, within this state or out of state,
 440 including a rural route address and a post office box; if he or
 441 she has no permanent or temporary address, any transient
 442 residence within this state; address, location or description,
 443 and dates of any current or known future temporary residence
 444 within this state or out of state; the make, model, color,
 445 vehicle identification number (VIN), and license tag number of
 446 all vehicles owned; home telephone numbers and cellular
 447 telephone numbers; electronic mail addresses; Internet
 448 identifiers and each Internet identifier's corresponding website
 449 homepage or application software name; date and place of each
 450 conviction; and a brief description of the crime or crimes
 451 committed by the sexual offender. A post office box may not be
 452 provided in lieu of a physical residential address. The sexual
 453 offender shall also produce his or her passport, if he or she
 454 has a passport, and, if he or she is an alien, shall produce or
 455 provide information about documents establishing his or her
 456 immigration status. The sexual offender shall also provide
 457 information about any professional licenses he or she has.

458 1. If the sexual offender's place of residence is a motor
 459 vehicle, trailer, mobile home, or manufactured home, as those
 460 terms are defined in chapter 320, the sexual offender shall also
 461 provide to the department through the sheriff's office written
 462 notice of the vehicle identification number (VIN); the license
 463 tag number; the registration number; and a description,
 464 including color scheme, of the motor vehicle, trailer, mobile

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465 home, or manufactured home. If the sexual offender's place of
 466 residence is a vessel, live-aboard vessel, or houseboat, as
 467 those terms are defined in chapter 327, the sexual offender
 468 shall also provide to the department through the sheriff's
 469 office written notice of the hull identification number; the
 470 manufacturer's serial number; the name of the vessel, live-
 471 aboard vessel, or houseboat; the registration number of the
 472 vessel, live-aboard vessel, or houseboat; and a description,
 473 including color scheme, of the vessel, live-aboard vessel, or
 474 houseboat.

475 2. If the sexual offender is enrolled or employed, whether
 476 for compensation or as a volunteer, at an institution of higher
 477 education in this state, the sexual offender shall also provide
 478 to the department the name, address, and county of each
 479 institution, including each campus attended, and the sexual
 480 offender's enrollment, volunteer, or employment status. The
 481 sheriff, the Department of Corrections, or the Department of
 482 Juvenile Justice shall promptly notify each institution of
 483 higher education of the sexual offender's presence and any
 484 change in the sexual offender's enrollment, volunteer, or
 485 employment status.

486 3. A sexual offender shall report with the department
 487 through the department's online system or in person to the
 488 sheriff's office within 48 hours after any change in vehicles
 489 owned to report those vehicle information changes.

490
 491 When a sexual offender reports at the sheriff's office, the
 492 sheriff shall take a photograph, a set of fingerprints, and palm
 493 prints of the offender and forward the photographs, palm prints,

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494 and fingerprints to the department, along with the information
 495 the sexual offender is required to provide pursuant to this
 496 section. The sheriff shall promptly provide to the department
 497 the information received from the sexual offender.

498 (3) Within 48 hours after the report required under
 499 subsection (2), a sexual offender shall report in person at a
 500 driver license office of the Department of Highway Safety and
 501 Motor Vehicles, unless a driver license or identification card
 502 that complies with the requirements of s. 322.141(3) was
 503 previously secured or updated under s. 944.607. At the driver
 504 license office the sexual offender shall:

505 (b) Pay the costs assessed by the Department of Highway
 506 Safety and Motor Vehicles for issuing or renewing a driver
 507 license or identification card as required by this section. The
 508 driver license or identification card issued must comply ~~be in~~
 509 ~~compliance~~ with s. 322.141(3).

510 (4) (a) 1. Each time a sexual offender's driver license or
 511 identification card is subject to renewal, and, without regard
 512 to the status of the offender's driver license or identification
 513 card, within 48 hours after any change in the sexual offender's
 514 permanent, temporary, or transient residence or change in the
 515 sexual offender's name by reason of marriage or other legal
 516 process, the sexual offender shall report in person to a driver
 517 license office, and is subject to the requirements specified in
 518 subsection (3). The Department of Highway Safety and Motor
 519 Vehicles shall forward to the department all photographs and
 520 information provided by sexual offenders. Notwithstanding the
 521 restrictions set forth in s. 322.142, the Department of Highway
 522 Safety and Motor Vehicles may release a reproduction of a color-

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523 photograph or digital-image license to the Department of Law
 524 Enforcement for purposes of public notification of sexual
 525 offenders as provided in this section and ss. 943.043 and
 526 944.606. A sexual offender who is unable to secure or update a
 527 driver license or an identification card with the Department of
 528 Highway Safety and Motor Vehicles as provided in subsection (3)
 529 and this subsection shall ~~also~~ report any change in the sexual
 530 offender's permanent, temporary, or transient residence or
 531 change in the offender's name by reason of marriage or other
 532 legal process within 48 hours after the change in person to the
 533 sheriff's office in the county where the offender resides or is
 534 located ~~and provide confirmation that he or she reported such~~
 535 ~~information to the Department of Highway Safety and Motor~~
 536 ~~Vehicles.~~ The reporting requirements under this sub-subparagraph
 537 ~~paragraph~~ do not negate the requirement for a sexual offender to
 538 obtain a Florida driver license or an identification card as
 539 required in this section. This sub-subparagraph does not apply
 540 to an in-state travel residence.

541 2. A sexual offender shall report an in-state travel
 542 residence within 48 hours after establishing the residence. The
 543 report shall be made through the department's online system; in
 544 person at the sheriff's office in the county in which the sexual
 545 offender is located; in person at the Department of Corrections
 546 if the sexual offender is in the custody or control of, or under
 547 the supervision of the Department of Corrections; or in person
 548 at the Department of Juvenile Justice if the sexual offender is
 549 in the custody or control of, or under the supervision of the
 550 Department of Juvenile Justice.

551 (e)1. A sexual offender shall register all electronic mail

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552 addresses and Internet identifiers, and each Internet
 553 identifier's corresponding website homepage or application
 554 software name, with the department through the department's
 555 online system or in person at the sheriff's office within 48
 556 hours after using such electronic mail addresses or Internet
 557 identifiers. If the sexual offender is in the custody or
 558 control, or under the supervision, of the Department of
 559 Corrections, he or she must report all electronic mail addresses
 560 and Internet identifiers, and each Internet identifier's
 561 corresponding website homepage or application software name, to
 562 the Department of Corrections before using such electronic mail
 563 addresses or Internet identifiers. If the sexual offender is in
 564 the custody or control, or under the supervision, of the
 565 Department of Juvenile Justice, he or she must report all
 566 electronic mail addresses and Internet identifiers, and each
 567 Internet identifier's corresponding website homepage or
 568 application software name, to the Department of Juvenile Justice
 569 before using such electronic mail addresses or Internet
 570 identifiers.

571 2. A sexual offender shall register ~~all changes to vehicles~~
 572 ~~owned,~~ all changes to home telephone numbers and cellular
 573 telephone numbers, including added and deleted numbers, all
 574 changes to employment information, including the creation of a
 575 new business if self-employed, and all changes in status related
 576 to enrollment, volunteering, or employment at institutions of
 577 higher education, through the department's online system; in
 578 person at the sheriff's office; in person at the Department of
 579 Corrections if the sexual offender is in the custody or control,
 580 or under the supervision, of the Department of Corrections; or

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581 in person at the Department of Juvenile Justice if the sexual
582 offender is in the custody or control, or under the supervision,
583 of the Department of Juvenile Justice. All changes required to
584 be reported under this subparagraph must be reported within 48
585 hours after the change.

586 3. The department shall establish an online system through
587 which sexual offenders may securely access, submit, and update
588 all changes in status to in-state travel residences; vehicles
589 owned; electronic mail addresses; Internet identifiers and each
590 Internet identifier's corresponding website homepage or
591 application software name; home telephone numbers and cellular
592 telephone numbers; employment information; and institution of
593 higher education information.

594 (6) County and local law enforcement agencies, in
595 conjunction with the department, shall verify the addresses of
596 sexual offenders who are not under the care, custody, control,
597 or supervision of the Department of Corrections at least one
598 time per calendar year, and may verify the addresses of sexual
599 offenders who are under the care, custody, control, or
600 supervision of the Department of Corrections. The system for
601 verifying addresses of sexual offenders must be, in a manner
602 ~~that is~~ consistent with the ~~provisions of the~~ federal Adam Walsh
603 Child Protection and Safety Act of 2006 and any other federal
604 standards applicable to such verification or required to be met
605 as a condition for the receipt of federal funds by the state.
606 Local law enforcement agencies shall report to the department
607 any failure by a sexual offender to comply with registration
608 requirements.

609 (9) (a) Except as otherwise specifically provided, a sexual

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610 offender who fails to register; who fails, after registration,
611 to maintain, acquire, or renew a driver license or an
612 identification card; who fails to provide required location
613 information or change-of-name information; who fails to provide
614 electronic mail addresses, Internet identifiers, and each
615 Internet identifier's corresponding website homepage or
616 application software name; who fails to provide all home
617 telephone numbers and cellular telephone numbers; who fails to
618 report any changes to employment information, including the
619 addition of new employment, termination of existing employment,
620 and changes to the occupation, business name, employment
621 address, and telephone number of previously reported employment;
622 who fails to report any ~~or~~ changes in status at an institution
623 of higher education; who fails to report any changes to vehicles
624 owned, including the addition of new vehicles and changes to the
625 make, model, color, vehicle identification number (VIN), and
626 license tag numbers of previously reported vehicles; who fails
627 to make a required report in connection with vacating a
628 permanent residence; who fails to reregister as required; who
629 fails to respond to any address verification correspondence from
630 the department or from county or local law enforcement agencies
631 within 3 weeks after the date of the correspondence; who
632 knowingly provides false registration information by act or
633 omission; or who otherwise fails, by act or omission, to comply
634 with the requirements of this section commits a felony of the
635 third degree, punishable as provided in s. 775.082, s. 775.083,
636 or s. 775.084. Each instance of a failure to register or report
637 changes to the required information specified in this paragraph
638 constitutes a separate offense.

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639 (14)

640 (c) The sheriff's office may determine the appropriate

641 times and days for reporting by the sexual offender, which must

642 be consistent with the reporting requirements of this

643 subsection. Reregistration must include any changes to the

644 following information:

645 1. Name; social security number; age; race; sex; date of

646 birth; height; weight; tattoos or other identifying marks; hair

647 and eye color; address of any permanent residence and address of

648 any current temporary residence, within this state or out of

649 state, including a rural route address and a post office box; if

650 he or she has no permanent or temporary address, any transient

651 residence within this state; address, location or description,

652 and dates of any current or known future temporary residence

653 within this state or out of state; all electronic mail addresses

654 or Internet identifiers and each Internet identifier's

655 corresponding website homepage or application software name; all

656 home telephone numbers and cellular telephone numbers;

657 employment information, including occupation, business name,

658 employment address, and telephone number; the make, model,

659 color, vehicle identification number (VIN), and license tag

660 number of all vehicles owned; fingerprints; palm prints; and

661 photograph. A post office box may not be provided in lieu of a

662 physical residential address. The sexual offender shall also

663 produce his or her passport, if he or she has a passport, and,

664 if he or she is an alien, shall produce or provide information

665 about documents establishing his or her immigration status. The

666 sexual offender shall also provide information about any

667 professional licenses he or she has.

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668 2. If the sexual offender is enrolled or employed, whether

669 for compensation or as a volunteer, at an institution of higher

670 education in this state, the sexual offender shall also provide

671 to the department the name, address, and county of each

672 institution, including each campus attended, and the sexual

673 offender's enrollment, volunteer, or employment status.

674 3. If the sexual offender's place of residence is a motor

675 vehicle, trailer, mobile home, or manufactured home, as those

676 terms are defined in chapter 320, the sexual offender shall also

677 provide the vehicle identification number (VIN); the license tag

678 number; the registration number; and a description, including

679 color scheme, of the motor vehicle, trailer, mobile home, or

680 manufactured home. If the sexual offender's place of residence

681 is a vessel, live-aboard vessel, or houseboat, as those terms

682 are defined in chapter 327, the sexual offender shall also

683 provide the hull identification number; the manufacturer's

684 serial number; the name of the vessel, live-aboard vessel, or

685 houseboat; the registration number of the vessel, live-aboard

686 vessel, or houseboat; and a description, including color scheme,

687 of the vessel, live-aboard vessel, or houseboat.

688 Section 3. This act shall take effect October 1, 2025.

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250020

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (k), (n), and (o) of subsection (2),
paragraphs (a), (f), and (g) of subsection (6), subsection (8),
and paragraph (a) of subsection (10) of section 775.21, Florida
Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

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



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11 (k) "Permanent residence" means a place where the person
12 abides, lodges, or resides for 3 or more consecutive days that
13 is the person's home or other place where the person primarily
14 lives. For the purpose of calculating a permanent residence
15 under this paragraph, the first day that a person abides,
16 lodges, or resides at a place is excluded and each subsequent
17 day is counted. A day includes any part of a calendar day.

18 (n)1. "Temporary residence" means a place where the person
19 abides, lodges, or resides, including, but not limited to,
20 vacation, business, or personal travel destinations in or out of
21 this state, ~~for a period of 3 or more days in the aggregate~~
22 ~~during any calendar year that and which~~ is not the person's
23 permanent or transient residence. ~~address or,~~ For a person whose
24 permanent residence is not in this state, the term also includes
25 a place where the person is employed, practices a vocation, or
26 is enrolled as a student for any period of time in this state.

27 2. The term includes an "in-state travel residence," which
28 means a temporary residence in this state established by a
29 person who already has an existing permanent, temporary, or
30 transient residence in this state.

31
32 For the purpose of calculating a temporary residence under this
33 paragraph, the first day that a person abides, lodges, or
34 resides at a place is excluded and each subsequent day is
35 counted. A day includes any part of a calendar day.

36 (o) "Transient residence" means a county where the person
37 lives, remains, or is located for the purpose of abiding,
38 lodging, or residing ~~for a period of 3 or more days in the~~
39 ~~aggregate during a calendar year that and which~~ is not the



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40 person's permanent or temporary residence ~~address~~. The term
41 includes, but is not limited to, a place where the person sleeps
42 or seeks shelter and a location that has no specific street
43 address. For the purpose of calculating a transient residence
44 under this paragraph, the first day that a person lives,
45 remains, or is located in a county for the purpose of abiding,
46 lodging, or residing is excluded and each subsequent day is
47 counted. A day includes any part of a calendar day.

48 (6) REGISTRATION.—

49 (a) A sexual predator shall register with the department
50 through the sheriff's office by providing the following
51 information to the department:

52 1. Name; social security number; age; race; sex; date of
53 birth; height; weight; tattoos or other identifying marks; hair
54 and eye color; photograph; address of permanent or legal
55 residence and address of any current temporary residence, within
56 this state or out of state, including a rural route address and
57 a post office box; if he or she has no permanent or temporary
58 address, any transient residence within this state; address,
59 location or description, and dates of any current or known
60 future temporary residence within this state or out of state;
61 electronic mail addresses; Internet identifiers and each
62 Internet identifier's corresponding website homepage or
63 application software name; home telephone numbers and cellular
64 telephone numbers; employment information, including occupation,
65 business name, employment address, and telephone number; the
66 make, model, color, vehicle identification number (VIN), and
67 license tag number of all vehicles owned; date and place of each
68 conviction; fingerprints; palm prints; and a brief description



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69 of the crime or crimes committed by the sexual predator
70 ~~offender~~. A post office box may not be provided in lieu of a
71 physical residential address. The sexual predator shall also
72 produce his or her passport, if he or she has a passport, and,
73 if he or she is an alien, shall produce or provide information
74 about documents establishing his or her immigration status. The
75 sexual predator shall also provide information about any
76 professional licenses he or she has.

77 a. Any change that occurs after the sexual predator
78 registers in person at the sheriff's office as provided in this
79 subparagraph in any of the following information related to the
80 sexual predator must be reported as provided in paragraphs (g),
81 (i), and (j): permanent, temporary, or transient residence;
82 name; electronic mail addresses; Internet identifiers and each
83 Internet identifier's corresponding website homepage or
84 application software name; home and cellular telephone numbers;
85 employment information; and status at an institution of higher
86 education.

87 b. If the sexual predator's place of residence is a motor
88 vehicle, trailer, mobile home, or manufactured home, as those
89 terms are defined in chapter 320, the sexual predator shall also
90 provide to the department written notice of the vehicle
91 identification number (VIN); the license tag number; the
92 registration number; and a description, including color scheme,
93 of the motor vehicle, trailer, mobile home, or manufactured
94 home. If a sexual predator's place of residence is a vessel,
95 live-aboard vessel, or houseboat, as those terms are defined in
96 chapter 327, the sexual predator shall also provide to the
97 department written notice of the hull identification number; the



98 manufacturer's serial number; the name of the vessel, live-
99 aboard vessel, or houseboat; the registration number of the
100 vessel, live-aboard vessel, or houseboat; and a description,
101 including color scheme, of the vessel, live-aboard vessel, or
102 houseboat.

103 c. If the sexual predator is enrolled or employed, whether
104 for compensation or as a volunteer, at an institution of higher
105 education in this state, the sexual predator shall also provide
106 to the department the name, address, and county of each
107 institution, including each campus attended, and the sexual
108 predator's enrollment, volunteer, or employment status. The
109 sheriff, the Department of Corrections, or the Department of
110 Juvenile Justice shall promptly notify each institution of
111 higher education of the sexual predator's presence and any
112 change in the sexual predator's enrollment, volunteer, or
113 employment status.

114 d. A sexual predator shall report to the department through
115 the department's online system or in person to the sheriff's
116 office within 48 hours after any change in vehicles owned to
117 report those vehicle information changes. A sexual predator who
118 is under the supervision of the Department of Corrections, or
119 under the supervision of the Department of Juvenile Justice
120 shall report in person to the sheriff's office within 48 hours
121 after any change in vehicles owned to report those vehicle
122 information changes.

123 2. Any other information determined necessary by the
124 department, including criminal and corrections records;
125 nonprivileged personnel and treatment records; and evidentiary
126 genetic markers when available.



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127 (f) Within 48 hours after the registration required under
128 paragraph (a) or paragraph (e), a sexual predator who is not
129 incarcerated and who resides in the community, including a
130 sexual predator under the supervision of the Department of
131 Corrections, shall report ~~register~~ in person at a driver license
132 office of the Department of Highway Safety and Motor Vehicles
133 and shall present proof of registration unless a driver license
134 or an identification card that complies with the requirements of
135 s. 322.141(3) was previously secured or updated under s.

136 944.607. At the driver license office the sexual predator shall:

137 1. If otherwise qualified, secure a Florida driver license,
138 renew a Florida driver license, or secure an identification
139 card. The sexual predator shall identify himself or herself as a
140 sexual predator who is required to comply with this section,
141 provide his or her place of permanent, temporary, or transient
142 residence, including a rural route address and a post office
143 box, and submit to the taking of a photograph for use in issuing
144 a driver license, a renewed license, or an identification card,
145 and for use by the department in maintaining current records of
146 sexual predators. A post office box may not be provided in lieu
147 of a physical residential address. If the sexual predator's
148 place of residence is a motor vehicle, trailer, mobile home, or
149 manufactured home, as those terms are defined in chapter 320,
150 the sexual predator shall also provide to the Department of
151 Highway Safety and Motor Vehicles the vehicle identification
152 number (VIN); the license tag number; the registration number;
153 and a description, including color scheme, of the motor vehicle,
154 trailer, mobile home, or manufactured home. If a sexual
155 predator's place of residence is a vessel, live-aboard vessel,



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156 or houseboat, as those terms are defined in chapter 327, the
157 sexual predator shall also provide to the Department of Highway
158 Safety and Motor Vehicles the hull identification number; the
159 manufacturer's serial number; the name of the vessel, live-
160 aboard vessel, or houseboat; the registration number of the
161 vessel, live-aboard vessel, or houseboat; and a description,
162 including color scheme, of the vessel, live-aboard vessel, or
163 houseboat.

164 2. Pay the costs assessed by the Department of Highway
165 Safety and Motor Vehicles for issuing or renewing a driver
166 license or an identification card as required by this section.
167 The driver license or identification card issued to the sexual
168 predator must comply with s. 322.141(3).

169 3. Provide, upon request, any additional information
170 necessary to confirm the identity of the sexual predator,
171 including a set of fingerprints.

172 (g)1.a. Each time a sexual predator's driver license or
173 identification card is subject to renewal, and, without regard
174 to the status of the sexual predator's driver license or
175 identification card, within 48 hours after any change of the
176 sexual predator's residence or change in the sexual predator's
177 name by reason of marriage or other legal process, the sexual
178 predator shall report in person to a driver license office and
179 is subject to the requirements specified in paragraph (f). The
180 Department of Highway Safety and Motor Vehicles shall forward to
181 the department and to the Department of Corrections all
182 photographs and information provided by sexual predators.
183 Notwithstanding the restrictions set forth in s. 322.142, the
184 Department of Highway Safety and Motor Vehicles may release a



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185 reproduction of a color-photograph or digital-image license to
186 the Department of Law Enforcement for purposes of public
187 notification of sexual predators as provided in this section. A
188 sexual predator who is unable to secure or update a driver
189 license or an identification card with the Department of Highway
190 Safety and Motor Vehicles as provided in paragraph (f) and this
191 paragraph shall ~~also~~ report any change in the sexual predator's
192 permanent, temporary, or transient residence or change in the
193 sexual predator's name by reason of marriage or other legal
194 process within 48 hours after the change in person to the
195 sheriff's office in the county where the sexual predator resides
196 or is located ~~and provide confirmation that he or she reported~~
197 ~~such information to the Department of Highway Safety and Motor~~
198 ~~Vehicles.~~ The reporting requirements under this sub-subparagraph
199 ~~subparagraph~~ do not negate the requirement for a sexual predator
200 to obtain a Florida driver license or identification card as
201 required by this section. This sub-subparagraph does not apply
202 to an in-state travel residence.

203 b. A sexual predator shall report an in-state travel
204 residence within 48 hours after establishing the residence. The
205 report shall be made through the department's online system; in
206 person at the sheriff's office in the county in which the sexual
207 predator is located; in person at the Department of Corrections
208 if the sexual predator is in the custody or control of, or under
209 the supervision of the Department of Corrections; or in person
210 at the Department of Juvenile Justice if the sexual predator is
211 in the custody or control of, or under the supervision of the
212 Department of Juvenile Justice.

213 2.a. A sexual predator who vacates a permanent, temporary,



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214 or transient residence and fails to establish or maintain
215 another permanent, temporary, or transient residence shall,
216 within 48 hours after vacating the permanent, temporary, or
217 transient residence, report in person to the sheriff's office of
218 the county in which he or she is located. The sexual predator
219 shall specify the date upon which he or she intends to or did
220 vacate such residence. The sexual predator shall provide or
221 update all of the registration information required under
222 paragraph (a). The sexual predator shall provide an address for
223 the residence or other place where he or she is or will be
224 located during the time in which he or she fails to establish or
225 maintain a permanent or temporary residence.

226 b. A sexual predator shall report in person at the
227 sheriff's office in the county in which he or she is located
228 within 48 hours after establishing a transient residence and
229 thereafter must report in person every 30 days to the sheriff's
230 office in the county in which he or she is located while
231 maintaining a transient residence. The sexual predator must
232 provide the addresses and locations where he or she maintains a
233 transient residence. Each sheriff's office shall report
234 transient residence information in a manner prescribed by the
235 department and provide notice to transient registrants to report
236 transient residence information as required in this sub-
237 subparagraph. Reporting to the sheriff's office as required by
238 this sub-subparagraph does not exempt registrants from any
239 reregistration requirement. The sheriff may coordinate and enter
240 into agreements with police departments and other governmental
241 entities to facilitate additional reporting sites for transient
242 residence registration required in this sub-subparagraph. The



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243 sheriff's office shall electronically submit to and update with
244 the department all such information within 2 business days after
245 the sexual predator provides it to the sheriff's office.

246 3. A sexual predator who remains at a permanent, temporary,
247 or transient residence after reporting his or her intent to
248 vacate such residence shall, within 48 hours after the date upon
249 which the sexual predator indicated he or she would or did
250 vacate such residence, report in person to the sheriff's office
251 to which he or she reported pursuant to subparagraph 2. for the
252 purpose of reporting his or her address at such residence. When
253 the sheriff receives the report, the sheriff shall promptly
254 convey the information to the department. A sexual predator who
255 makes a report as required under subparagraph 2. but fails to
256 make a report as required under this subparagraph commits a
257 felony of the second degree, punishable as provided in s.
258 775.082, s. 775.083, or s. 775.084.

259 4. The failure of a sexual predator who maintains a
260 transient residence to report in person to the sheriff's office
261 every 30 days as required by sub-subparagraph 2.b. is punishable
262 as provided in subsection (10).

263 5.a. A sexual predator shall register all electronic mail
264 addresses and Internet identifiers, and each Internet
265 identifier's corresponding website homepage or application
266 software name, with the department through the department's
267 online system or in person at the sheriff's office within 48
268 hours after using such electronic mail addresses or Internet
269 identifiers. If the sexual predator is in the custody or
270 control, or under the supervision, of the Department of
271 Corrections, he or she must report all electronic mail addresses



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272 and Internet identifiers, and each Internet identifier's
273 corresponding website homepage or application software name, to
274 the Department of Corrections before using such electronic mail
275 addresses or Internet identifiers. If the sexual predator is in
276 the custody or control, or under the supervision, of the
277 Department of Juvenile Justice, he or she must report all
278 electronic mail addresses and Internet identifiers, and each
279 Internet identifier's corresponding website homepage or
280 application software name, to the Department of Juvenile Justice
281 before using such electronic mail addresses or Internet
282 identifiers.

283 b. A sexual predator shall register ~~all changes to vehicles~~
284 ~~owned~~, all changes to home telephone numbers and cellular
285 telephone numbers, including added and deleted numbers, all
286 changes to employment information, including the creation of a
287 new business if self-employed, and all changes in status related
288 to enrollment, volunteering, or employment at institutions of
289 higher education, through the department's online system; in
290 person at the sheriff's office; in person at the Department of
291 Corrections if the sexual predator is in the custody or control,
292 or under the supervision, of the Department of Corrections; or
293 in person at the Department of Juvenile Justice if the sexual
294 predator is in the custody or control, or under the supervision,
295 of the Department of Juvenile Justice. All changes required to
296 be reported in this sub-subparagraph shall be reported within 48
297 hours after the change.

298 c. The department shall establish an online system through
299 which sexual predators may securely access, submit, and update
300 all changes in status to in-state travel residences; all



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301 vehicles owned; electronic mail addresses; Internet identifiers
302 and each Internet identifier's corresponding website homepage or
303 application software name; home telephone numbers and cellular
304 telephone numbers; employment information; and institution of
305 higher education information.

306 (8) VERIFICATION.—The department and the Department of
307 Corrections shall implement a system for verifying the addresses
308 of sexual predators. The system must be consistent with the
309 federal Adam Walsh Child Protection and Safety Act of 2006 and
310 any other federal standards applicable to such verification or
311 required to be met as a condition for the receipt of federal
312 funds by the state. The Department of Corrections shall verify
313 the addresses of sexual predators who are not incarcerated but
314 who reside in the community under the supervision of the
315 Department of Corrections and shall report to the department any
316 failure by a sexual predator to comply with registration
317 requirements. County and local law enforcement agencies, in
318 conjunction with the department, shall verify the addresses of
319 sexual predators who are not under the care, custody, control,
320 or supervision of the Department of Corrections at least four
321 times per calendar year, and may verify the addresses of sexual
322 predators who are under the care, custody, control, or
323 supervision of the Department of Corrections. Local law
324 enforcement agencies shall report to the department any failure
325 by a sexual predator to comply with registration requirements.

326 (a) A sexual predator shall report in person each year
327 during the month of the sexual predator's birthday and during
328 every third month thereafter to the sheriff's office in the
329 county in which he or she resides or is otherwise located to



330 reregister. The sheriff's office may determine the appropriate
331 times and days for reporting by the sexual predator, which must
332 be consistent with the reporting requirements of this paragraph.
333 Reregistration must include any changes to the following
334 information:

335 1. Name; social security number; age; race; sex; date of
336 birth; height; weight; tattoos or other identifying marks; hair
337 and eye color; address of any permanent residence and address of
338 any current temporary residence, within this state or out of
339 state, including a rural route address and a post office box; if
340 he or she has no permanent or temporary address, any transient
341 residence within this state including the address, location or
342 description of the transient residences, and dates of any
343 current or known future temporary residence within this state or
344 out of state; all electronic mail addresses; all Internet
345 identifiers and each Internet identifier's corresponding website
346 homepage or application software name; all home telephone
347 numbers and cellular telephone numbers; ~~date and place of any~~
348 employment information, including occupation, business name,
349 employment address, and telephone number; the make, model,
350 color, vehicle identification number (VIN), and license tag
351 number of all vehicles owned; fingerprints; palm prints; and
352 photograph. A post office box may not be provided in lieu of a
353 physical residential address. The sexual predator shall also
354 produce his or her passport, if he or she has a passport, and,
355 if he or she is an alien, shall produce or provide information
356 about documents establishing his or her immigration status. The
357 sexual predator shall also provide information about any
358 professional licenses he or she has.



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359 2. If the sexual predator is enrolled or employed, whether
360 for compensation or as a volunteer, at an institution of higher
361 education in this state, the sexual predator shall also provide
362 to the department the name, address, and county of each
363 institution, including each campus attended, and the sexual
364 predator's enrollment, volunteer, or employment status.

365 3. If the sexual predator's place of residence is a motor
366 vehicle, trailer, mobile home, or manufactured home, as those
367 terms are defined in chapter 320, the sexual predator shall also
368 provide the vehicle identification number (VIN); the license tag
369 number; the registration number; and a description, including
370 color scheme, of the motor vehicle, trailer, mobile home, or
371 manufactured home. If the sexual predator's place of residence
372 is a vessel, live-aboard vessel, or houseboat, as those terms
373 are defined in chapter 327, the sexual predator shall also
374 provide the hull identification number; the manufacturer's
375 serial number; the name of the vessel, live-aboard vessel, or
376 houseboat; the registration number of the vessel, live-aboard
377 vessel, or houseboat; and a description, including color scheme,
378 of the vessel, live-aboard vessel, or houseboat.

379 (b) The sheriff's office shall electronically submit to and
380 update with the department, in a manner prescribed by the
381 department, all such information within 2 business days after
382 the sexual predator provides it to the sheriff's office.

383 (10) PENALTIES.—

384 (a) Except as otherwise specifically provided, a sexual
385 predator who fails to register; who fails, after registration,
386 to maintain, acquire, or renew a driver license or an
387 identification card; who fails to provide required location



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388 information or change-of-name information; who fails to provide
389 electronic mail addresses, Internet identifiers, and each
390 Internet identifier's corresponding website homepage or
391 application software name; who fails to provide all home
392 telephone numbers and cellular telephone numbers; who fails to
393 report any changes to employment information, including the
394 addition of new employment, termination of existing employment,
395 and changes to the occupation, business name, employment
396 address, and telephone number of previously reported employment;
397 ~~or~~ who fails to report any changes in status at an institution
398 of higher education; who fails to report any changes to vehicles
399 owned, including the addition of new vehicles and changes to the
400 make, model, color, vehicle identification number (VIN), and
401 license tag numbers of previously reported vehicles; who fails
402 to make a required report in connection with vacating a
403 permanent residence; who fails to reregister as required; who
404 fails to respond to any address verification correspondence from
405 the department or from county or local law enforcement agencies
406 within 3 weeks after the date of the correspondence; who
407 knowingly provides false registration information by act or
408 omission; or who otherwise fails, by act or omission, to comply
409 with the requirements of this section commits a felony of the
410 third degree, punishable as provided in s. 775.082, s. 775.083,
411 or s. 775.084. Each instance of a failure to register or report
412 changes to the required information specified in this paragraph
413 constitutes a separate offense.

414 Section 2. Paragraph (b) of subsection (2), paragraph (b)
415 of subsection (3), paragraphs (a) and (e) of subsection (4),
416 subsection (6), paragraph (a) of subsection (9), and paragraph



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417 (c) of subsection (14) of section 943.0435, Florida Statutes,
418 are amended to read:

419 943.0435 Sexual offenders required to register with the
420 department; penalty.—

421 (2) Upon initial registration, a sexual offender shall:

422 (b) Provide his or her name; date of birth; social security
423 number; race; sex; height; weight; tattoos or other identifying
424 marks; hair and eye color; fingerprints; palm prints;
425 photograph; employment information, including occupation,
426 business name, employment address, and telephone number; address
427 of permanent or legal residence and ~~or~~ address of any current
428 temporary residence, within this state or out of state,
429 including a rural route address and a post office box; if he or
430 she has no permanent or temporary address, any transient
431 residence within this state; address, location or description,
432 and dates of any current or known future temporary residence
433 within this state or out of state; the make, model, color,
434 vehicle identification number (VIN), and license tag number of
435 all vehicles owned; home telephone numbers and cellular
436 telephone numbers; electronic mail addresses; Internet
437 identifiers and each Internet identifier's corresponding website
438 homepage or application software name; date and place of each
439 conviction; and a brief description of the crime or crimes
440 committed by the sexual offender. A post office box may not be
441 provided in lieu of a physical residential address. The sexual
442 offender shall also produce his or her passport, if he or she
443 has a passport, and, if he or she is an alien, shall produce or
444 provide information about documents establishing his or her
445 immigration status. The sexual offender shall also provide



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446 information about any professional licenses he or she has.

447 1. If the sexual offender's place of residence is a motor
448 vehicle, trailer, mobile home, or manufactured home, as those
449 terms are defined in chapter 320, the sexual offender shall also
450 provide to the department through the sheriff's office written
451 notice of the vehicle identification number (VIN); the license
452 tag number; the registration number; and a description,
453 including color scheme, of the motor vehicle, trailer, mobile
454 home, or manufactured home. If the sexual offender's place of
455 residence is a vessel, live-aboard vessel, or houseboat, as
456 those terms are defined in chapter 327, the sexual offender
457 shall also provide to the department through the sheriff's
458 office written notice of the hull identification number; the
459 manufacturer's serial number; the name of the vessel, live-
460 aboard vessel, or houseboat; the registration number of the
461 vessel, live-aboard vessel, or houseboat; and a description,
462 including color scheme, of the vessel, live-aboard vessel, or
463 houseboat.

464 2. If the sexual offender is enrolled or employed, whether
465 for compensation or as a volunteer, at an institution of higher
466 education in this state, the sexual offender shall also provide
467 to the department the name, address, and county of each
468 institution, including each campus attended, and the sexual
469 offender's enrollment, volunteer, or employment status. The
470 sheriff, the Department of Corrections, or the Department of
471 Juvenile Justice shall promptly notify each institution of
472 higher education of the sexual offender's presence and any
473 change in the sexual offender's enrollment, volunteer, or
474 employment status.



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475 3. A sexual offender shall report with the department
476 through the department's online system or in person to the
477 sheriff's office within 48 hours after any change in vehicles
478 owned to report those vehicle information changes.

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480 When a sexual offender reports at the sheriff's office, the
481 sheriff shall take a photograph, a set of fingerprints, and palm
482 prints of the offender and forward the photographs, palm prints,
483 and fingerprints to the department, along with the information
484 the sexual offender is required to provide pursuant to this
485 section. The sheriff shall promptly provide to the department
486 the information received from the sexual offender.

487 (3) Within 48 hours after the report required under
488 subsection (2), a sexual offender shall report in person at a
489 driver license office of the Department of Highway Safety and
490 Motor Vehicles, unless a driver license or identification card
491 that complies with the requirements of s. 322.141(3) was
492 previously secured or updated under s. 944.607. At the driver
493 license office the sexual offender shall:

494 (b) Pay the costs assessed by the Department of Highway
495 Safety and Motor Vehicles for issuing or renewing a driver
496 license or identification card as required by this section. The
497 driver license or identification card issued must comply ~~be in~~
498 ~~compliance~~ with s. 322.141(3).

499 (4) (a) 1. Each time a sexual offender's driver license or
500 identification card is subject to renewal, and, without regard
501 to the status of the offender's driver license or identification
502 card, within 48 hours after any change in the sexual offender's
503 permanent, temporary, or transient residence or change in the



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504 sexual offender's name by reason of marriage or other legal
505 process, the sexual offender shall report in person to a driver
506 license office, and is subject to the requirements specified in
507 subsection (3). The Department of Highway Safety and Motor
508 Vehicles shall forward to the department all photographs and
509 information provided by sexual offenders. Notwithstanding the
510 restrictions set forth in s. 322.142, the Department of Highway
511 Safety and Motor Vehicles may release a reproduction of a color-
512 photograph or digital-image license to the Department of Law
513 Enforcement for purposes of public notification of sexual
514 offenders as provided in this section and ss. 943.043 and
515 944.606. A sexual offender who is unable to secure or update a
516 driver license or an identification card with the Department of
517 Highway Safety and Motor Vehicles as provided in subsection (3)
518 and this subsection shall ~~also~~ report any change in the sexual
519 offender's permanent, temporary, or transient residence or
520 change in the offender's name by reason of marriage or other
521 legal process within 48 hours after the change in person to the
522 sheriff's office in the county where the offender resides or is
523 located ~~and provide confirmation that he or she reported such~~
524 ~~information to the Department of Highway Safety and Motor~~
525 ~~Vehicles.~~ The reporting requirements under this sub-subparagraph
526 ~~paragraph~~ do not negate the requirement for a sexual offender to
527 obtain a Florida driver license or an identification card as
528 required in this section. This sub-subparagraph does not apply
529 to an in-state travel residence.

530 2. A sexual offender shall report an in-state travel
531 residence within 48 hours after establishing the residence. The
532 report shall be made through the department's online system; in



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533 person at the sheriff's office in the county in which the sexual
534 offender is located; in person at the Department of Corrections
535 if the sexual offender is in the custody or control of, or under
536 the supervision of the Department of Corrections; or in person
537 at the Department of Juvenile Justice if the sexual offender is
538 in the custody or control of, or under the supervision of the
539 Department of Juvenile Justice.

540 (e)1. A sexual offender shall register all electronic mail
541 addresses and Internet identifiers, and each Internet
542 identifier's corresponding website homepage or application
543 software name, with the department through the department's
544 online system or in person at the sheriff's office within 48
545 hours after using such electronic mail addresses or Internet
546 identifiers. If the sexual offender is in the custody or
547 control, or under the supervision, of the Department of
548 Corrections, he or she must report all electronic mail addresses
549 and Internet identifiers, and each Internet identifier's
550 corresponding website homepage or application software name, to
551 the Department of Corrections before using such electronic mail
552 addresses or Internet identifiers. If the sexual offender is in
553 the custody or control, or under the supervision, of the
554 Department of Juvenile Justice, he or she must report all
555 electronic mail addresses and Internet identifiers, and each
556 Internet identifier's corresponding website homepage or
557 application software name, to the Department of Juvenile Justice
558 before using such electronic mail addresses or Internet
559 identifiers.

560 2. A sexual offender shall register ~~all changes to vehicles~~
561 ~~owned,~~ all changes to home telephone numbers and cellular



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562 telephone numbers, including added and deleted numbers, all
563 changes to employment information, including the creation of a
564 new business if self-employed, and all changes in status related
565 to enrollment, volunteering, or employment at institutions of
566 higher education, through the department's online system; in
567 person at the sheriff's office; in person at the Department of
568 Corrections if the sexual offender is in the custody or control,
569 or under the supervision, of the Department of Corrections; or
570 in person at the Department of Juvenile Justice if the sexual
571 offender is in the custody or control, or under the supervision,
572 of the Department of Juvenile Justice. All changes required to
573 be reported under this subparagraph must be reported within 48
574 hours after the change.

575 3. The department shall establish an online system through
576 which sexual offenders may securely access, submit, and update
577 all changes in status to in-state travel residences; vehicles
578 owned; electronic mail addresses; Internet identifiers and each
579 Internet identifier's corresponding website homepage or
580 application software name; home telephone numbers and cellular
581 telephone numbers; employment information; and institution of
582 higher education information.

583 (6) County and local law enforcement agencies, in
584 conjunction with the department, shall verify the addresses of
585 sexual offenders who are not under the care, custody, control,
586 or supervision of the Department of Corrections at least one
587 time per calendar year, and may verify the addresses of sexual
588 offenders who are under the care, custody, control, or
589 supervision of the Department of Corrections. ~~in a manner that~~
590 ~~is~~ The system for verifying addresses of sexual offenders must



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591 be consistent with the ~~provisions of the~~ federal Adam Walsh
592 Child Protection and Safety Act of 2006 and any other federal
593 standards applicable to such verification or required to be met
594 as a condition for the receipt of federal funds by the state.
595 Local law enforcement agencies shall report to the department
596 any failure by a sexual offender to comply with registration
597 requirements.

598 (9) (a) Except as otherwise specifically provided, a sexual
599 offender who fails to register; who fails, after registration,
600 to maintain, acquire, or renew a driver license or an
601 identification card; who fails to provide required location
602 information or change-of-name information; who fails to provide
603 electronic mail addresses, Internet identifiers, and each
604 Internet identifier's corresponding website homepage or
605 application software name; who fails to provide all home
606 telephone numbers and cellular telephone numbers; who fails to
607 report any changes to employment information, including the
608 addition of new employment, termination of existing employment,
609 and changes to the occupation, business name, employment
610 address, and telephone number of previously reported employment;
611 ~~or~~ who fails to report any changes in status at an institution
612 of higher education; who fails to report any changes to vehicles
613 owned, including the addition of new vehicles and changes to the
614 make, model, color, vehicle identification number (VIN), and
615 license tag numbers of previously reported vehicles; who fails
616 to make a required report in connection with vacating a
617 permanent residence; who fails to reregister as required; who
618 fails to respond to any address verification correspondence from
619 the department or from county or local law enforcement agencies



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620 within 3 weeks after the date of the correspondence; who
621 knowingly provides false registration information by act or
622 omission; or who otherwise fails, by act or omission, to comply
623 with the requirements of this section commits a felony of the
624 third degree, punishable as provided in s. 775.082, s. 775.083,
625 or s. 775.084. Each instance of a failure to register or report
626 changes to the required information specified in this paragraph
627 constitutes a separate offense.

628 (14)

629 (c) The sheriff's office may determine the appropriate
630 times and days for reporting by the sexual offender, which must
631 be consistent with the reporting requirements of this
632 subsection. Reregistration must include any changes to the
633 following information:

634 1. Name; social security number; age; race; sex; date of
635 birth; height; weight; tattoos or other identifying marks; hair
636 and eye color; address of any permanent residence and address of
637 any current temporary residence, within this state or out of
638 state, including a rural route address and a post office box; if
639 he or she has no permanent or temporary address, any transient
640 residence within this state; address, location or description,
641 and dates of any current or known future temporary residence
642 within this state or out of state; all electronic mail addresses
643 or Internet identifiers and each Internet identifier's
644 corresponding website homepage or application software name; all
645 home telephone numbers and cellular telephone numbers;
646 employment information, including occupation, business name,
647 employment address, and telephone number; the make, model,
648 color, vehicle identification number (VIN), and license tag



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649 number of all vehicles owned; fingerprints; palm prints; and
650 photograph. A post office box may not be provided in lieu of a
651 physical residential address. The sexual offender shall also
652 produce his or her passport, if he or she has a passport, and,
653 if he or she is an alien, shall produce or provide information
654 about documents establishing his or her immigration status. The
655 sexual offender shall also provide information about any
656 professional licenses he or she has.

657 2. If the sexual offender is enrolled or employed, whether
658 for compensation or as a volunteer, at an institution of higher
659 education in this state, the sexual offender shall also provide
660 to the department the name, address, and county of each
661 institution, including each campus attended, and the sexual
662 offender's enrollment, volunteer, or employment status.

663 3. If the sexual offender's place of residence is a motor
664 vehicle, trailer, mobile home, or manufactured home, as those
665 terms are defined in chapter 320, the sexual offender shall also
666 provide the vehicle identification number (VIN); the license tag
667 number; the registration number; and a description, including
668 color scheme, of the motor vehicle, trailer, mobile home, or
669 manufactured home. If the sexual offender's place of residence
670 is a vessel, live-aboard vessel, or houseboat, as those terms
671 are defined in chapter 327, the sexual offender shall also
672 provide the hull identification number; the manufacturer's
673 serial number; the name of the vessel, live-aboard vessel, or
674 houseboat; the registration number of the vessel, live-aboard
675 vessel, or houseboat; and a description, including color scheme,
676 of the vessel, live-aboard vessel, or houseboat.

677 Section 3. This act shall take effect October 1, 2025.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to registration of sexual predators
and sexual offenders; amending s. 775.21, F.S.;
revising and providing definitions; revising reporting
requirements for sexual predators; revising
requirements for an online reporting system; revising
verification requirements; providing criminal
penalties; amending s. 943.0435, F.S.; revising
reporting requirements for sexual offenders; revising
verification requirements; providing criminal
penalties; 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: SB 1654

INTRODUCER: Senator Martin

SUBJECT: Registration of Sexual Predators and Sexual Offenders

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1654 amends ss. 775.21 and 943.0435, F.S., relating to sexual predators and sexual offenders, respectively, to:

- Include an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.
- Provide that an in-state travel residence be reported within 48 hours of establishment of the residence.
- Require that specified employment information be registered through the sheriff's office.
- Specify that registrants must register the creation of a new business, including self-employment online.
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office.
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.¹

The bill amends s. 775.21, F.S., by clarifying the definition of "permanent residence"² to mean a person's home or where a person primarily lives.

The bill amends s. 775.21, F.S., to specify that a sexual predator who is in the custody, control or supervision with the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ)

¹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

² Section 775.21(2)(k), F.S.

must report changes to vehicle ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ and to specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision with the DOC at least four times per calendar year.

The bill amends 943.0435, F.S., to specify that if a sexual offender's place of residence is a vessel, the sexual offender must provide the information to the FDLE through the sheriff's office and to specify that county and local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.

The bill has an insignificant negative fiscal impact to the FDLE. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the DOC, the DHSMV, and law enforcement officials.³ Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁴ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁵

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁶ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes⁷ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the DOC, the DJJ, the DHSMV, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

³Florida Department of Law Enforcement, Sexual Offender and Predator System, available at <https://offender.fdle.state.fl.us/offender/sops/home.jsf> (last visited on April 3, 2025).

⁴ Sections 775.21 and 943.0435, F.S.

⁵ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁶ Sections 775.21 and 943.0435, F.S.

⁷ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;⁸
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁹

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹⁰

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.¹¹ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, live-aboard vessel or houseboat, all changes in vehicles owned and travel. The FDLE, through its agency website, provides a searchable database that includes some of this information.¹² Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

⁸ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

⁹ Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹⁰ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

¹¹ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

¹² The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on April 3, 2025).

FDLE's Online System

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.¹³

A sexual predator or sexual offender must register all change of name information, electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the FDLE through the FDLE's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.¹⁴

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.¹⁵

Currently, the law specifies that a sexual predator and sexual offender may report all changes to vehicles owned through the FDLE's online system.

The United States District Court for the Northern District of Florida, Tallahassee division, issued a March 2024 order which struck down a limited portion of Florida's sexual offender registration law that requires a sexual offender to report in person to the Department of Highway Safety and Motor Vehicles (DHSMV) any change of "permanent residence" or "temporary residence," as defined in s. 775.21(2)(k) and (n), F.S., that does not require the DHSMV to issue a replacement driver license or state identification card with the offender's new address.¹⁶

Under this order, a sexual offender is only required to report in-person to the DHSMV for a change in "permanent residence" or "temporary residence" that is either a change of address of the kind that all holders of driver licenses or identification cards must report, a change of the registrant's home, or a change of the place where the registrant habitually lives. Residence changes under s. 943.0435(4)(a), F.S., that are not listed above, such as "in-state travel," are required only to be reported to the sheriff's office, and a sexual offender is not required to confirm to the sheriff's office that they have met the previous requirement to report to DHSMV.

¹³ Sections 775.21(6)(a)1.a. and 943.0435(4)(e)3., F.S.

¹⁴ Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹⁵ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

¹⁶ United States District Court for the Northern District of Florida, Case No. 4:21cv85-RH-MJF (March 2024).

The report to the sheriff's office need not be in person. Additionally, the order requires the FDLE to make available a method by which sexual offenders may report online or through similarly accessible means any change of "permanent residence" or "temporary residence," as required by s. 943.0435(4)(a), F.S., that is not a change of address that would require DHSMV to issue a replacement driver license or state identification card for that address.¹⁷

Currently, all temporary address changes, including in-state travel, are reported in person to DHSMV and, if unable to report to DHSMV, also to the sheriff's office.¹⁸¹⁹

The FDLE has implemented a mechanism in which sexual offenders can report in-state travel online, but this is currently not allowed under Florida's registration laws, s. 943.0435, F.S. (sexual offenders) and s. 775.21, F.S. (sexual predators).²⁰

Current registration laws require the reporting of employment information, but only the address is required. There is currently no set requirement for address verifications.²¹

III. Effect of Proposed Changes:

Section 1 amend s. 775.21, F.S., relating to the Florida Sexual Predators Act, to:

- Clarify the definition of the term "permanent residence"²² to mean a person's home or where a person primarily lives.
- Amend the definition of "temporary residence,"²³ to create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.
- Require that in-state travel residences must be reported either online or in person with the sheriff's office.
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ.
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number. The bill adds language to ensure that registrants must register the creation of a new business, including self-employment.
- Remove language regarding proof of reporting changes to the DHSMV and the sheriff's office for all residence changes.
- Specify that a sexual predator who is in the custody, control or supervision with the DOC or the DJJ must report changes to vehicles ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ.

¹⁷ *Id.*

¹⁸ Section 775.21(6), F.S.

¹⁹ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators* (on file with the Senate Criminal Justice Committee)

²⁰ Florida Department of Law Enforcement, *Notice to Registrants*, available at <https://www.fdle.state.fl.us/SOPS/2024-Notice-to-Registrants-%e2%80%93-English> (last visited April 3, 2025).

²¹ Sections 775.21(8)(a)1., and 943.0435(2)2., F.S.

²² Section 775.21(2)(k), F.S.

²³ Section 775.21(2)(n), F.S.

- Specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision at least four times per calendar year to ensure the accuracy of the reported information. The added language conforms with the FDLE's current recommendations to local law enforcement for address verifications.
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁴

Section 2 amends s. 943.0435, F.S., relating to Sexual Offenders Required to Register, to:

- Require an offender to report an in-state travel residence within 48 hours after establishing the residence.
- Require that in-state travel residences must be reported either online or in person with the sheriff's office.
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ.
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number. The bill adds language to ensure that registrants must register the creation of a new business, including self-employment.
- Specify that if the sexual offender's place of residence is a vessel as outlined in statute the sexual offender provide the information to the FDLE through the sheriff's office.
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office.
- Specify that county or local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁵

Section 3 provides that the bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

²⁴ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

²⁵ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

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 FDLE estimates that it will cost \$12,350 to complete the programmatic changes necessary to address the bill's provisions.²⁶ 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 not yet reviewed the bill; however, the bill does not create any new criminal penalties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.21 and 943.0435.

²⁶ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators*

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By the Committee on Judiciary; and Senator Grall

590-03176-25

20251284c1

A bill to be entitled

An act relating to civil liability for the wrongful death of an unborn child; reordering and amending s. 768.18, F.S.; revising the definition of the term "survivors" to include the parents of an unborn child; defining the term "unborn child"; amending s. 768.19, F.S.; providing that the Wrongful Death Act does not authorize a wrongful death action against the mother of an unborn child for the death of the child; providing that the act does not authorize a wrongful death action against a health care provider for the death of an unborn child which results from medical care complying with the applicable standard of care; amending s. 768.21, F.S.; authorizing parents of an unborn child to recover certain damages; conforming a cross-reference; providing an effective date.

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

Section 1. Section 768.18, Florida Statutes, is reordered and amended to read:

768.18 Definitions.—As used in ss. 768.16-768.26:

(1)~~(2)~~ "Minor children" means children under 25 years of age, notwithstanding the age of majority.

(2)~~(5)~~ "Net accumulations" means the part of the decedent's expected net business or salary income, including pension benefits, that the decedent probably would have retained as savings and left as part of her or his estate if the decedent had lived her or his normal life expectancy. "Net business or

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salary income" is the part of the decedent's probable gross income after taxes, excluding income from investments continuing beyond death, that remains after deducting the decedent's personal expenses and support of survivors, excluding contributions in kind.

(3)~~(4)~~ "Services" means tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the survivors of the decedent. These services may vary according to the identity of the decedent and survivor and shall be determined under the particular facts of each case.

(4)~~(3)~~ "Support" includes contributions in kind as well as money.

(5)~~(1)~~ "Survivors" means the decedent's spouse, children, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive brothers and sisters. It includes the child born out of wedlock of a mother, but not the child born out of wedlock of the father unless the father has recognized a responsibility for the child's support. It also includes the parents of an unborn child.

(6) "Unborn child" means a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.

Section 2. Section 768.19, Florida Statutes, is amended to read:

768.19 Right of action.—

(1) When the death of a person is caused by the wrongful act, negligence, default, or breach of contract or warranty of

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

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59 any person, including those occurring on navigable waters, and
 60 the event would have entitled the person injured to maintain an
 61 action and recover damages if death had not ensued, the person
 62 or watercraft that would have been liable in damages if death
 63 had not ensued shall be liable for damages as specified in this
 64 act notwithstanding the death of the person injured, although
 65 death was caused under circumstances constituting a felony.

66 (2) This act does not authorize a wrongful death action
 67 against:

68 (a) The mother of an unborn child for the death of the
 69 unborn child.

70 (b) A health care provider for the death of an unborn child
 71 which results from lawful medical care provided in compliance
 72 with the applicable standard of care.

73 Section 3. Subsection (4) and paragraph (a) of subsection
 74 (6) of section 768.21, Florida Statutes, are amended to read:

75 768.21 Damages.—All potential beneficiaries of a recovery
 76 for wrongful death, including the decedent's estate, shall be
 77 identified in the complaint, and their relationships to the
 78 decedent shall be alleged. Damages may be awarded as follows:

79 (4) Each parent of a deceased minor child or an unborn
 80 child may also recover for mental pain and suffering from the
 81 date of injury. Each parent of an adult child may also recover
 82 for mental pain and suffering if there are no other survivors.

83 (6) The decedent's personal representative may recover for
 84 the decedent's estate the following:

85 (a) Loss of earnings of the deceased from the date of
 86 injury to the date of death, less lost support of survivors
 87 excluding contributions in kind, with interest. Loss of the

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88 prospective net accumulations of an estate, which might
 89 reasonably have been expected but for the wrongful death,
 90 reduced to present money value, may also be recovered:

91 1. If the decedent's survivors include a surviving spouse
 92 or lineal descendants; or

93 2. If the decedent is not a minor child as defined in s.
 94 768.18 ~~s. 768.18(2)~~, there are no lost support and services
 95 recoverable under subsection (1), and there is a surviving
 96 parent.

97 Evidence of remarriage of the decedent's spouse is admissible.

98 Section 4. This act shall take effect July 1, 2025.

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 1284

INTRODUCER: Judiciary Committee and Senator Grall

SUBJECT: Civil Liability for the Wrongful Death of an Unborn Child

DATE: April 9, 2025

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>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1284 expands Florida’s Wrongful Death Act to allow the parents of an unborn child to recover noneconomic damages for mental pain and suffering from a person who is responsible for the death of the unborn child.

The mother cannot be sued in a wrongful death action for the death of her unborn child. Also, a health care provider providing lawful medical care provided in compliance with the applicable standard of care is not liable for wrongful death of the unborn child.

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

The bill is effective July 1, 2025.

II. Present Situation:

Most of the state’s tort law is derived from the common law. At common law, there was no right to recover for the negligent wrongful death of another person.¹ Over time, however, the Legislature authorized recoveries for wrongful death and expanded the types of damages recoverable and the classes of survivors entitled to recover. “Because wrongful death actions did

¹ *Louisville & Nashville Railroad Co. v. Jones*, 45 Fla. 407, 416 (Fla. 1903).

not exist at common law, all claims for wrongful death are created and limited by Florida's Wrongful Death Act.”²

History of Wrongful Death Actions

The early versions of the state's wrongful death laws limited the right to recover damages to a surviving spouse, surviving children if there was no surviving spouse, those dependent upon the decedent for support if there was no one belonging to the prior two classes, and finally the executor of the decedent's estate if there was no one belonging to the prior three classes.³ In order to show dependence on the decedent, a claimant had to show that he or she was a minor, physically or mentally disabled, or elderly.⁴ Adults who were mentally and physically capable of providing for themselves could not recover despite having been supported by the decedent.⁵ Any damages recoverable were limited to a form of economic damages.

The wrongful death law was substantially re-written in 1972.⁶ That law created the Florida Wrongful Death Act, which provides the framework for current law. One of the major changes made by this law was to consolidate or merge survival and wrongful death actions.⁷ A survival action is a legal action allowed under the survival statute to continue notwithstanding the plaintiff's death. As merged, the 1972 law allowed the statutory survivors to recover damages for their pain and suffering as a substitute for recoveries for the decedent's pain and suffering under the survival statute.⁸

The type of damages that a survivor is entitled to, under the 1972 law, depends upon the classification of the survivor. The 1972 law allows all survivors to recover the value of lost support and services, a type of economic damages. A surviving spouse may also recover loss of marital companionship and pain and suffering, types of noneconomic damages. Minor children, then defined as under age 21⁹ and unmarried, may also recover loss of parental companionship and pain and suffering. The parents of a deceased minor child may also recover pain and suffering. Any survivor who paid them may recover final medical, funeral and burial expenses. The estate of the decedent may recover lost earnings from date of injury to date of death, plus net accumulations, which is essentially an estimate of the present value of the future estate that would have been available for inheritance.

A 1981 act expanded the definition of “minor children” to include all children of the decedent under age 25, regardless of whether such child is married or dependent.¹⁰ The statutes did not

² *Chinghina v. Racik*, 647 So. 2d 289, 290 (Fla. 4th DCA 1994).

³ *Duval v. Hunt*, 34 Fla. 85 (Fla. 1894) (discussing a wrongful death statute enacted in 1883).

⁴ *Id.* at 101-102.

⁵ The Court interpreted the dependency requirement in the statute as requiring a person to have a genuine inability to support himself or herself based on the view that strong, healthy adults who are capable of earning a livelihood should not be content to “live in idleness upon the fruits of [another's] labor.” *Id.* at 101.

⁶ Chapter 72-35, Laws of Fla.

⁷ *Sheffield v. R.J. Reynolds Tobacco Co.*, 329 So. 3d 114, 121 (Fla. 2021).

⁸ *Martin v. United Sec. Services, Inc.*, 314 So. 2d 765, 767 (Fla. 1975).

⁹ Florida changed the age of majority from 21 to 18 in the following year, but that act did not change the reference to age 21 in the wrongful death law. Section 743.07, F.S.; chapter 73-21, Laws of Fla.

¹⁰ Chapter 81-183, Laws of Fla.

authorize a wrongful death action by a nondependent, adult child for the loss of a parent or an action by a parent for the loss of an adult child.¹¹

In 1990, the Legislature generally expanded the class of survivors entitled to recover damages for pain and suffering for a wrongful death.¹² As expanded, a decedent's adult children may recover damages for pain and suffering if there is no surviving spouse. The parents of an adult decedent may also recover damages for pain and suffering if there is no surviving spouse or surviving minor or adult children.¹³

Wrongful Death Actions for the Death of an Unborn Child

In 1978 the Florida Supreme Court held that an unborn fetus is not a "person" for purposes of Florida's Wrongful Death Act (Act).¹⁴ Thus, when a person causes the death of an unborn child, the child's parents cannot recover civil damages under the Act for the death.¹⁵

In 1997 the Florida Supreme Court reiterated that "there is no cause of action under Florida's Wrongful Death Act for the death of a stillborn fetus."¹⁶ However, in that same case, the Court recognized a common law action for "negligent stillbirth." The Court emphasized that the damages recoverable in such action are limited to mental pain and anguish and medical expenses incurred incident to the pregnancy, and that such legal action is different from an action under the Wrongful Death Act, as follows:

A suit for negligent stillbirth is a direct common law action by the parents which is different in kind from a wrongful death action. The former is directed toward the death of a fetus while the latter is applicable to the death of a living person. As contrasted to the damages recoverable by parents under the wrongful death statute, the damages recoverable in an action for negligent stillbirth would be limited to mental pain and anguish and medical expenses incurred incident to the pregnancy.¹⁷

Therefore, Florida allows a limited recovery of damages for negligent stillbirth, but it does not recognize a cause of action for wrongful death based on the death of an unborn child.

Florida remains one of six states, including California and New York,¹⁸ that currently do not recognize a cause of action for the wrongful death of an unborn child.¹⁹ Forty-three states

¹¹ *Mizrahi v. North Miami Medical Center, Ltd.*, 761 So. 2d 1040, 1042 (Fla. 2000).

¹² Chapter 90-14, Laws of Fla.

¹³ *Id.* (amending s. 768.18(3) and (4), F.S.). The adult children were also authorized by the 1990 law to recover noneconomic damages for lost parental companionship, instruction, and guidance.

¹⁴ *Duncan v. Flynn*, 358 So. 2d 178 (Fla. 1978).

¹⁵ *Singleton v. Ranz*, 534 So. 2d 847 (Fla. 5th DCA 1988) (citing *Duncan v. Flynn*, 358 So. 2d 178 (Fla. 1978)).

¹⁶ *Tanner v. Hartog*, 696 So. 2d 705, 706 (Fla. 1997).

¹⁷ *Tanner*, 696 So. 2d at 708-09.

¹⁸ *Rosales v. Northeast Community Clinic*, B276465, 2018 WL 1633068, at *2 (Cal. Ct. App. Apr. 5, 2018); *Endresz v. Friedberg*, 24 N.Y. 2d 478, 484 (N.Y. 1969).

¹⁹ *Stern v. Miller*, 348 So. 2d 303, 307-08 (Fla. 1977); The three other states include Iowa, Maine, and New Jersey. *Dunn v. Rose Way, Inc.*, 333 N.W. 2d 830, 831 (Iowa 1983); *Shaw v. Jendzejec*, 717 A.2d 367, 371 (Me. 1998); *Giardina v. Bennett*, 111 N.J. 412, 421-25 (N.J. 1988).

currently have some form of cause of action for the wrongful death of an unborn child. These statutes condition recovery based on the viability²⁰ of the child in question.²¹

Fifteen states afford a cause of action for the wrongful death of an unborn child at any stage of development.²² Several of these states, however, provide an exception so that the mother cannot be sued for the wrongful death of her unborn child.²³

Three states, including Connecticut,²⁴ Georgia,²⁵ and Mississippi,²⁶ allow a wrongful death action to be brought on behalf of an unborn child if the quickening standard is met, which requires fetal movement to have been detected prior to death.²⁷

Twenty-five states allow a cause of action for the wrongful death of an unborn child under a viability standard, which examines whether an unborn child can exist independently outside of the mother's womb.²⁸ Of these 25 states, one state, Indiana, expressly prohibits a wrongful death action if the death of an unborn child is the result of a lawful abortion.²⁹

²⁰ “Viability” is the ability of a developing fetus to survive independent of a pregnant woman’s womb. Elizabeth Chloe Romanis, *Is “viability” viable? Abortion, conceptual confusion and the law in England and Wales and the United States*, 7 J. LAW. BIOSCI. (Jan.-Dec. 2020).

²¹ Only Wyoming remains undecided as to whether a cause of action for wrongful death exists as to an unborn child.

²² Alabama (*Hamilton v. Scott*, 97 So. 3d 728 (Ala. 2012)); *Mack v. Carmack*, 79 So. 3d 597 (Ala. 2011)); Alaska (Alaska Stat. Ann. § 09.55.585); Arkansas (Ark. Code Ann. § 15-62-102); Illinois (740 Ill. Comp. Stat. Ann. 180/2.2); Kansas (Kan. Stat. Ann. § 60-1901); Louisiana (Louisiana Civil Code Art. 26); Michigan (Mich. Comp. Laws Ann. § 600.2922a); Missouri (Mo. Ann. Stat. § 1.205); Nebraska (Neb. Rev. Stat. § 30-809); Oklahoma (12 Okl. St. Ann. § 1053, OK ST T. 12 § 1053; *Pino v. United States*, 2008 OK 26, 183 P.3d 1001); South Dakota (S.D. Codified Laws §21-5-1); Texas (Tex. Civ. Prac. & Rem. Code § 71.002); Utah (*Carranza v. United States*, 2011 UT 80, 267 P.3d 912); Virginia (Va. Code. Ann. §§8.01-50); West Virginia (*Farley v. Sarti*, 195 W. Va. 671, 681 (1995)).

²³ See Kan. Stat. Ann. § 60-1901; Tex. Civ. Prac. & Rem. Code § 71.003.

²⁴ *Elderkin v. Mahoney*, No. No. CV156056191, 2017 WL 5178583 (Conn. Super. Ct. Sept. 28, 2017).

²⁵ *Porter v. Lassiter*, 91 Ga. App. 712 (1955); *Shirley v. Bacon*, 154 Ga. App. 203 (1980).

²⁶ Miss. Code Ann. § 11-7-13 (2018).

²⁷ Romanis, *supra*, note 20.

²⁸ Arizona (*Summerfield v. Superior Ct. in and for Maricopa County*, 144 Ariz. 467 (Ariz. 1985)); Colorado (*Gonzales v. Mascarenas*, 190 P. 3d 826 (Colo. App. 2008)); Delaware (*Worgan v. Greggo & Ferrera, Inc.*, 50 Del. 258 (Del. Super. Ct. 1956)); Hawaii (*Hawaii Castro v. Melchor*, 137 Hawai’i 179 (Haw. Ct. App. 2016)); Idaho (*Volk v. Baldazo*, 103 Idaho 570 (Idaho 1982)); Indiana (Ind. Code Ann. §34-23-2-1(b)); Kentucky (*Stevens v. Flynn*, No. 2010-CA-00196-MR, 2011 WL 3207952 (Ky. Ct. App. July 29, 2011)); Maryland (*Brown v. Contemporary OB/GYN Assocs.*, 143 Md. App. 199 (Md. Ct. Spec. App. 2002); Md. Code Ann., Cts. & Jud. Proc. §§ 3-902, 3-904); Massachusetts (*Thibert v. Milka*, 419 Mass. 693 (Mass. 1995)); Minnesota (*Pehrson v. Kistner*, 301 Minn. 299 (Minn. 1974)); Montana (*Blackburn v. Blue Mt. Women’s Clinic*, 286 Mont. 60 (Mont.1997)); Nevada (*White v. Yup*, 85 Nev. 527 (Nev. 1969)); New Hampshire (*Wallace v. Wallace*, 120 N.H. 675 (N.H. 1980)); New Mexico (*Miller v. Kirk*, 120 N.M. 654 (N.M. 1995)); North Carolina (*DiDonato v. Wortman*, 320 N.C. 423, 358 S.E.2d 489 (1987)); North Dakota (*Hopkins v. McBane*, 359 N.W. 2d 862 (N.D. 1984); Ohio (*Griffiths v. Doctor’s Hosp.*, 150 Ohio App. 3d 234, 2002-Ohio-6173, 780 N.E.2d 603 (2002)); Oregon (*LaDu v. Oregon Clinic, P.C.*, 165 Or. App. 687 (Or. Ct. App. 2000)); Pennsylvania (*Coveleski v. Bubnis*, 535 Pa.166 (Pa. 1993)); Rhode Island (*Miccolis v. AMICA*, 587 A. 2d 67 (R.I. 1991)); South Carolina (*Crosby v. Glasscock Trucking*, 340 S.C. 626 (S.C. 2000)); Tennessee (Tenn. Code Ann. § 2 0-5-106(c)); Vermont (*Vaillancourt v. Med. Ctr. Hosp. Vt., Inc.*, 139 Vt. 38 (Vt. 1980)); Washington (*Baum v. Burrington*, 119 Wash. App.36 (Wash. Ct. App. 2003)); Wisconsin (*Kwaterski v. State Farm Mut. Auto. Ins. Co.*, 34 Wis. 2d 14 (Wis. 1967).

²⁹ Ind. Code Ann. §34-23-2-1.

Finally, one state, Wyoming, remains undecided as to whether a cause of action for wrongful death exists as to an unborn child.³⁰

III. Effect of Proposed Changes:

The bill expands Florida's Wrongful Death Act to allow the parents of an unborn child to recover noneconomic damages through the Act for mental pain and suffering from a person who is responsible for the death of their unborn child. The term "unborn child" means "a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb." Thus, the bill authorizes a wrongful death action for an unborn child who is lost at any stage of a pregnancy.

By authorizing a wrongful death action, the parents of the unborn child will not be limited to the damages available under the common law cause of action for negligent stillbirth. The parents, instead, are authorized to recover the full measure of the economic and noneconomic damages available under the Wrongful Death Act. These damages include damages for the parents' mental pain and suffering related to the death and their future mental pain and suffering based on the life expectancy of the parents and the child.

Although the bill authorizes the parents of an unborn child to recover damages for the loss of an unborn child, the bill does not change the requirements of the Wrongful Death Act that the action be brought by the court-appointed personal representative.³¹

The bill specifies that the mother of the unborn child is not liable in a wrongful death action for the death of her unborn child. Also, a health care provider is not liable for the death of an unborn child which results from lawful medical care provided in compliance with the applicable standard of care.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ Wyoming has not determined whether an unborn child is a "person" under the state's Wrongful Death Act. But, the Court has held that an unborn child is not a "minor" for whom guardianship statutes authorize the appointment of a guardian. *Matter of Guardianship of MKH*, 2016 WY 103, 382 P.3d 1096 (Wyo. 2016).

³¹ See s. 768.20, F.S. (stating that the "action shall be brought by the decedent's personal representative, who shall recover for the benefit of the decedent's survivors and estate all damages"). See also s. 733.301(1)(b), F.S., which establishes an order of preference for appointing personal representatives for intestate estates (persons who die without a will).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may increase private insurance rates to the extent that this bill provides for tort claim recoveries that are not paid under current law.

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: 768.18, 768.19, and 768.21.

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 April 1, 2025:

The committee substitute provides that the Wrongful Death Act does not authorize a wrongful death action related to the death of an unborn child against a health care provider which results from lawful medical care in compliance with the applicable standard of care.

B. Amendments:

None.

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