

Tab 1	SB 498 by Gruters (CO-INTRODUCERS) Brandes, Hutson, Baxley, Rodriguez, Rodrigues, Broxson, Albritton, Bradley; (Identical to H 00259) Safety of Religious Institutions						
565676	A	S	UNFAV	CJ, Pizzo	Delete L.53 - 61:	03/09 07:06 PM	
179036	A	S	UNFAV	CJ, Pizzo	Delete L.58 - 61:	03/09 07:06 PM	
754028	A	S	RCS	CJ, Gruters	Delete L.59:	03/09 07:06 PM	
Tab 2	SB 752 by Gruters; (Identical to H 00067) Public Defender Duties						
Tab 3	SB 1088 by Rodrigues; (Identical to H 00661) Modification or Continuation of Terms of Probation						
890572	A	S	RCS	CJ, Rodrigues	Delete L.20 - 24:	03/09 03:49 PM	
Tab 4	SB 1166 by Brandes; (Identical to H 00885) Juvenile Justice						
374274	D	S	RCS	CJ, Brandes	Delete everything after	03/09 07:06 PM	
Tab 5	SB 1192 by Powell; (Similar to H 00879) Mental Illness Training for Law Enforcement Officers						
577460	A	S	RCS	CJ, Powell	Delete L.21 - 30:	03/09 07:06 PM	
Tab 6	SB 1234 by Boyd; (Similar to H 00371) False Reports of Crimes						
Tab 7	SB 1354 by Baxley; (Similar to CS/H 00279) Traveling Across County Lines with Intent to Commit a Felony						
Tab 8	SB 1378 by Bradley; (Compare to H 01523) Corporate Espionage						
Tab 9	SB 1426 by Jones; (Similar to H 01115) Pregnant Women in Custody						
105058	D	S	RCS	CJ, Jones	Delete everything after	03/09 07:06 PM	
Tab 10	SB 1486 by Pizzo (CO-INTRODUCERS) Brandes; (Identical to H 01253) Clothing-optional Locations						
Tab 11	SB 1498 by Pizzo (CO-INTRODUCERS) Perry, Brandes; Renaming the Criminal Punishment Code						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Pizzo, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, March 9, 2021

TIME: 3:30—6:00 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Pizzo, Chair; Senator Brandes, Vice Chair; Senators Baxley, Boyd, Gainer, Perry, Powell, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SB 498 Gruters (Identical H 259)	Safety of Religious Institutions; Authorizing, for specified purposes, a concealed weapons or firearms licensee to carry a firearm on certain property of a church, a synagogue, or any other religious institution, etc. JU 02/01/2021 Favorable CJ 03/09/2021 Fav/CS RC	Fav/CS Yeas 5 Nays 3
2	SB 752 Gruters (Identical H 67)	Public Defender Duties; Specifying additional circumstances under which a public defender may not be appointed to represent a defendant, etc. JU 03/02/2021 Favorable CJ 03/09/2021 Favorable RC	Favorable Yeas 8 Nays 0
3	SB 1088 Rodrigues (Identical H 661, Compare H 799)	Modification or Continuation of Terms of Probation; Revising the circumstances under which a court must modify or continue a term of probation, etc. CJ 03/09/2021 Fav/CS JU RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, March 9, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1166 Brandes (Identical H 885, Compare S 164)	Juvenile Justice; Creating the Accountability and Program Support Program within the Department of Juvenile Justice and revising the name of an existing program; authorizing a child to be placed in secure detention on a judicial order if the child has willfully failed to appear after proper notice; repealing a provision relating to the shared county and state financial support responsibility for juvenile detention; requiring the Department of Juvenile Justice to calculate annually by a certain date and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share of detention costs, etc. CJ 03/09/2021 Fav/CS ACJ AP	Fav/CS Yeas 7 Nays 0
5	SB 1192 Powell (Similar H 879)	Mental Illness Training for Law Enforcement Officers; Requiring the Department of Law Enforcement to establish a continued employment training component relating to mental illness; requiring that the training component include instruction on the recognition of and appropriate responses to individuals exhibiting certain symptoms or characteristics; authorizing completion of the training to count toward continued employment or appointment instruction requirements, etc. CJ 03/09/2021 Fav/CS ACJ AP	Fav/CS Yeas 8 Nays 0
6	SB 1234 Boyd (Similar H 371)	False Reports of Crimes; Providing enhanced criminal penalties for the willful making of false reports of crimes in certain circumstances; ranking offenses created by the act on levels 3, 6, and 8 of the offense severity ranking chart of the Criminal Punishment Code, etc. CJ 03/09/2021 Favorable JU RC	Favorable Yeas 7 Nays 0
7	SB 1354 Baxley (Similar H 279)	Traveling Across County Lines with Intent to Commit a Felony; Defining the term "felony offense"; providing for reclassification of certain felony offenses when the person who commits the offense crosses a county line with specified intent, etc. CJ 03/09/2021 Favorable JU RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, March 9, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1378 Bradley (Compare H 1523)	Corporate Espionage; Citing this act as the "Eliminating Corporate Espionage in Florida Act"; prohibiting receipt of unlawfully obtained trade secrets; reclassifying the penalty and increasing the offense severity ranking for receiving, obtaining, or using trade secrets to benefit a foreign government, foreign agent, or other foreign entity; requiring a court to order specified restitution for a violation, etc. CJ 03/09/2021 Favorable JU RC	Favorable Yeas 7 Nays 0
9	SB 1426 Jones (Similar H 1115)	Pregnant Women in Custody; Requiring that every female who is arrested and not released on bond within 72 hours after arrest be administered a pregnancy test within a certain amount of time, if so requested; requiring that each facility notify each arrested female upon booking of her right to request a pregnancy test; requiring that, if a pregnant woman is convicted of a crime and sentenced to incarceration of any length, the pregnant woman's sentence be deferred until a certain time after delivery, etc. CJ 03/09/2021 Fav/CS JU AP	Fav/CS Yeas 7 Nays 0
10	SB 1486 Pizzo (Identical H 1253)	Clothing-optional Locations; Specifying that an exception to the commission of the offense of unlawful exposure of sexual organs includes clothing-optional beaches; requiring the Division of Recreation and Parks of the Department of Environmental Protection to amend a specified rule to comply with this act, etc. CJ 03/09/2021 Favorable EN RC	Favorable Yeas 5 Nays 3
11	SB 1498 Pizzo	Renaming the Criminal Punishment Code; Renaming the Criminal Punishment Code as the Criminal Public Safety Code; revising a principle of the Criminal Public Safety Code, etc. CJ 03/09/2021 Favorable JU RC	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 498

INTRODUCER: Criminal Justice Committee and Senator Gruters and others

SUBJECT: Safety of Religious Institutions

DATE: March 10, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 498 effectively removes the prohibition against firearms on school property for religious institutions that have a co-located school.

The bill provides, notwithstanding any other law, for purposes of safety, security, personal protection, or any other lawful purpose, a person having a concealed weapon or firearm license may carry a firearm on property:

- Owned;
- Rented;
- Leased;
- Borrowed; or
- Lawfully used by:
 - A church,
 - A synagogue, or
 - Any other religious institution.

A church, synagogue, or other religious institution may opt out of the new concealed carry law by having a policy specifically prohibiting persons who are lawfully licensed under s. 790.06, F.S., from carrying a firearm on such property.

The bill becomes effective upon becoming law.

II. Present Situation:

Concealed Weapon and Firearm Licenses

Florida is known as a “shall issue”¹ state for applications for concealed weapon and firearm licenses.² The Department of Agriculture and Consumer Services (department) must review and either issue or deny a license within 90 days of receiving an application.³ As of February 28, 2021, there were 2,515,678 concealed weapon or firearm licensees in Florida.⁴

Denial of a license must occur if an applicant:

- Is not a citizen of the United States, permanent resident alien, or consular security official of a foreign government;
- Is not 21 years of age or older;
- Suffers from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Has been convicted of a felony;
- Has been found guilty of a controlled substances crime within the previous 3 years;
- Has been committed for the abuse of a controlled substance;⁵
- Suffers from chronic and habitual use of alcohol or other substances to the extent that their normal faculties are impaired;⁶
- Does not intend to carry a concealed weapon or firearm for lawful self-defense;
- Fails to demonstrate competency with a firearm;⁷
- Has been adjudicated as an incapacitated person;
- Has been committed to a mental institution;⁸

¹ Generally, states issue a permit, or license, to carry a concealed weapon such as a firearm on either a “shall issue,” or “may issue” basis. The key difference is that shall issue states must issue the permit or license if the applicant meets the requirements; whereas, may issue states have much more discretion to deny an application even if the applicant meets the requirements under the law. New York may deny a license, for example, if the applicant fails to demonstrate “proper cause” or lacks “good moral character” as determined by a judge reviewing the application. N.Y. Penal Law s. 400.00.

² Section 790.06(2), F.S.

³ Section 790.06(6)(c), F.S.

⁴ Florida Department of Agriculture and Consumer Services, Division of Licensing, *Number of Licenses by Type*, January 31, 2021, available at https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf (last visited March 4, 2021).

⁵ An applicant granted relief of firearms disabilities pursuant to s. 790.065(2)(a)4.d., F.S., after having been adjudicated mentally defective or committed to a mental institution is deemed not to be committed for the abuse of a controlled substance.

⁶ The law presumes that a person chronically and habitually uses alcoholic beverages or other substances to the point of impairment if the applicant has been convicted of using a firearm while under the influence of alcoholic beverages, chemical substances, or controlled substances or has been deemed a habitual offender of disorderly intoxication under s. 856.011(3), F.S., or has had two or more convictions of driving under the influence within a 3-year period preceding the date which the application is submitted.

⁷ There are several methods of demonstrating competency with a firearm, including completion of a hunter education or safety course approved by the Fish and Wildlife Conservation Commission, completion of any law enforcement firearms safety or training course, or completion of firearms training safety courses using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services.

⁸ An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d., F.S., after having been adjudicated mentally defective or committed to a mental institution is deemed not to have been committed in a mental institution.

- Has had an adjudication of guilt withheld or a suspended sentence on a felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;
- Has had an adjudication of guilt withheld or an imposition of sentence suspended on a misdemeanor crime of domestic violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;
- Has been issued an injunction that is currently in force and effect that restrains that applicant from committing acts of domestic violence or acts of repeat violence; or
- Is prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.⁹

Additionally, the department must suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license until final disposition of the case.¹⁰ The department is also required to suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.¹¹

Once obtained, the licensee must carry the license with valid identification at all times when the licensee is in actual possession of a concealed weapon or firearm.¹² According to s. 790.06(12)(a), F.S., the license, however, “does not authorize any person to carry a concealed weapon or firearm into:”

- Any place of nuisance;¹³
- Any police, sheriff, or highway patrol station;
- Any detention facility, prison, or jail;
- Any courthouse;
- Any courtroom;¹⁴
- Any polling place;
- Any meeting of the governing body of a county, public school district, municipality, or special district;
- Any meeting of the Legislature or a committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any elementary or secondary school facility or administration building;
- Any career center;
- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- Any college or university facility;¹⁵

⁹ Section 790.01(2), F.S.

¹⁰ Section 790.06(3), F.S.

¹¹ *Id.*

¹² Section 790.06(1), F.S.

¹³ See s. 823.05, F.S., for an extensive description of places of nuisance.

¹⁴ However, Judges may carry a concealed weapon and allow others to do so within their courtroom. Section 790.06(12)(a)5., F.S.

¹⁵ However, a “student, employee, or faculty member” may carry a stun gun or nonlethal electric weapon designed for defensive purposes as long as the weapon does not fire a dart or projectile.

- The inside of the passenger terminal and sterile area of any airport; or
- Any place where the carrying of firearms is prohibited by federal law.¹⁶

While a concealed weapon or firearm license is generally needed when carrying a concealed firearm, there are instances where an individual may legally possess or carry a firearm without a license, so long as they are not a prohibited firearm possessor.¹⁷ These instances include an individual:

- Fishing, camping, or hunting or going to or returning from fishing, camping, or hunting;
- Who is in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;
- Firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;
- Traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession; or
- At his or her home or place of business.¹⁸

Firearms Prohibited on School Property

A person may not possess any firearm on the property of any school except as authorized in support of school activities.¹⁹

There are five exceptions to this general rule. A person may carry a firearm on school property:

- In a case to a firearms program, class, or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
- In a case to a career center having a firearms training range;
- In a vehicle pursuant to s. 790.25(5), F.S.; except that school districts may adopt written and published policies that waive this exception for purposes of student and campus parking privileges, thereby not allowing students to have firearms in their vehicles on campus;²⁰
- If he or she is a law enforcement officer;²¹ or
- If he or she is a school guardian acting under the Coach Aaron Feis Guardian Program.²²

¹⁶ Section 790.06(12)(a)1.-15., F.S.

¹⁷ Those prohibited from possessing a firearm include convicted felons whose civil rights have not been restored. Section 790.23, F.S.

¹⁸ Section 790.25(3), F.S. This authority to carry a concealed firearm without a license applies to where "business is transacted." *State v. Little*, 104 So. 3d 1263, 1266 (Fla. 4th DCA 2013) (Finding that a labor union official could not be charged with carrying a concealed firearm while at the union hall because the union hall was his place of business).

¹⁹ Section 790.115(2)(a), F.S.

²⁰ Section 790.115(2)(a)1.-3., F.S. Note that the ability to adopt written and published policies waiving the exception for student and campus parking does not extend to institutions of higher learning, i.e. colleges and universities. *Florida Carry v. University of North Florida*, 133 So.3d 966 (Fla.1st DCA 2013).

²¹ Section 790.115(3), F.S.

²² Section 1006.12, F.S.

“School” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.²³

Firearms and Religious Institutions

In response to violent incidents targeting religious institutions,²⁴ some churches in other states have opted to form “security teams” for the purpose of keeping their congregation safe during services.²⁵ These security teams are often comprised of individuals having concealed weapons licenses who carry concealed firearms during service on a voluntary basis.²⁶

Florida law does not prohibit a licensee from carrying a concealed firearm inside a church or other religious institution. However, some churches are co-located with a school where concealed firearms are expressly prohibited.²⁷ The firearm prohibition makes it more difficult for co-located religious institutions to implement a security team because the religious institution would be limited to utilizing individuals who are authorized to carry a concealed firearm on school properties, such as law enforcements officers.²⁸

III. Effect of Proposed Changes:

The bill provides, notwithstanding any other law, for purposes of safety, security, personal protection, or any other lawful purpose, the bill permits a person having a concealed weapons license to carry a firearm on property:

- Owned;
- Rented;
- Leased;
- Borrowed; or
- Lawfully used by:
 - A church,
 - A synagogue, or
 - Any other religious institution.²⁹

²³ Section 790.115(2)(a), F.S.

²⁴ Section 199.183(2)(a), F.S., defines “religious institutions” as churches and ecclesiastical or denominational organizations having established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted, as well as church cemeteries.

²⁵ Nichole Manna, *After shooting, how can Texas churches keep members safe and still welcome all people?*, FORT WORTH STAR TELEGRAM (December 31, 2019), <https://www.star-telegram.com/news/state/texas/article238834258.html> (last visited February 24, 2021). Texas revised its law in 2019, following a church shooting, to clarify that persons could carry firearms in churches unless given notice to the contrary. See S.B. 535, Senator Campbell, effective September 1, 2019, available at <https://capitol.texas.gov/tlodocs/86R/billtext/pdf/SB00535F.pdf> (last visited March 2, 2021). See also Hon. Ken Paxton, Attorney General of Texas, Opinion No. KP-0176, December 21, 2017, available at <https://www.texasattorneygeneral.gov/sites/default/files/opinion-files/opinion/2017/kp0176.pdf> (last visited March 2, 2021).

²⁶ *Id.*

²⁷ Sections 790.115(2)(a) and 790.06(12)(a), F.S.

²⁸ Section 790.115(3), F.S.

²⁹ The terms church, synagogue, and religious institution are not defined in the bill.

A church, synagogue, or other religious institution may opt out of the new concealed carry law by having a policy specifically prohibiting persons who are lawfully licensed under s. 790.06, F.S., from carrying a firearm on such property.

The bill effectively removes the prohibition against firearms on school property for religious institutions that have a co-located school.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may be cost effective for religious institutions. Churches on school grounds, for example, may use volunteers having concealed weapons licenses within their church membership in lieu of hiring off-duty law enforcement officers to provide security.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.06 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 9, 2021:

The committee substitute removes the word “posted” from the bill. As a result the religious institution’s policy related to concealed firearms is no longer required to be posted. This means that a church, synagogue, or other religious institution may opt out of the new concealed carry law simply by having a policy specifically prohibiting persons who are lawfully licensed under s. 790.06, F.S., from carrying a firearm on such property.

B. Amendments:

None.



565676

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/09/2021	.	
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	.	

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

Senate Amendment (with title amendment)

Delete lines 53 - 61
and insert:

(c)1. Notwithstanding the prohibitions contained in this subsection or s. 790.115, a church, a synagogue, or any other religious institution, as that term is defined in s. 496.404, may authorize a person licensed under this section to carry a concealed firearm in an established physical place of worship at which religious services are regularly conducted provided that:



565676

a. If such property is not owned by the religious institution, the religious institution receives the permission of the property owner or administrator; and

b. If the religious institution is using property that is an elementary or secondary school facility or career center or that is located on the property of a school, as defined in s.790.115, the person may not carry a concealed firearm on school property during school hours or during any time when curricular or extracurricular school-sponsored activities are taking place on the property.

2. This paragraph does not authorize the carrying of a firearm in any place or in any manner prohibited by federal law or on the property of a public or private college, university, or other postsecondary educational institution.

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

And the title is amended as follows:

Delete lines 3 - 7

and insert:

institutions; amending s. 790.06; authorizing a church, a synagogue, or other religious institution to allow a concealed weapon or firearms licensee to carry a concealed firearm in certain places of worship under specified circumstances; providing applicability;



179036

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 58 - 61
and insert:
synagogue, or any other religious institution where the church,
synagogue, or any other religious institution has posted a sign
stating that persons who are licensed under this section are
permitted to carry a concealed firearm on said property.



754028

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 59
and insert:
synagogue, or other religious institution has a policy

By Senator Gruters

23-00481A-21

2021498__

1 A bill to be entitled
 2 An act relating to the safety of religious
 3 institutions; amending s. 790.06, F.S.; authorizing,
 4 for specified purposes, a concealed weapons or
 5 firearms licensee to carry a firearm on certain
 6 property of a church, a synagogue, or any other
 7 religious institution; providing an exception;
 8 providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Subsection (12) of section 790.06, Florida
 13 Statutes, is amended to read:
 14 790.06 License to carry concealed weapon or firearm.—
 15 (12)(a) A license issued under this section does not
 16 authorize any person to openly carry a handgun or carry a
 17 concealed weapon or firearm into:
 18 1. Any place of nuisance as defined in s. 823.05;
 19 2. Any police, sheriff, or highway patrol station;
 20 3. Any detention facility, prison, or jail;
 21 4. Any courthouse;
 22 5. Any courtroom, except that nothing in this section would
 23 preclude a judge from carrying a concealed weapon or determining
 24 who will carry a concealed weapon in his or her courtroom;
 25 6. Any polling place;
 26 7. Any meeting of the governing body of a county, public
 27 school district, municipality, or special district;
 28 8. Any meeting of the Legislature or a committee thereof;
 29 9. Any school, college, or professional athletic event not

Page 1 of 3

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

23-00481A-21

2021498__

30 related to firearms;
 31 10. Any elementary or secondary school facility or
 32 administration building;
 33 11. Any career center;
 34 12. Any portion of an establishment licensed to dispense
 35 alcoholic beverages for consumption on the premises, which
 36 portion of the establishment is primarily devoted to such
 37 purpose;
 38 13. Any college or university facility unless the licensee
 39 is a registered student, employee, or faculty member of such
 40 college or university and the weapon is a stun gun or nonlethal
 41 electric weapon or device designed solely for defensive purposes
 42 and the weapon does not fire a dart or projectile;
 43 14. The inside of the passenger terminal and sterile area
 44 of any airport, provided that no person shall be prohibited from
 45 carrying any legal firearm into the terminal, which firearm is
 46 encased for shipment for purposes of checking such firearm as
 47 baggage to be lawfully transported on any aircraft; or
 48 15. Any place where the carrying of firearms is prohibited
 49 by federal law.
 50 (b) A person licensed under this section may ~~shall~~ not be
 51 prohibited from carrying or storing a firearm in a vehicle for
 52 lawful purposes.
 53 (c) Notwithstanding any other law, for the purposes of
 54 safety, security, personal protection, or any other lawful
 55 purpose, a person licensed under this section to carry a
 56 concealed weapon or firearm may carry a firearm on property
 57 owned, rented, leased, borrowed, or lawfully used by a church, a
 58 synagogue, or any other religious institution unless the church,

Page 2 of 3

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

23-00481A-21

2021498__

59 synagogue, or other religious institution has a posted policy
60 specifically prohibiting persons who are lawfully licensed under
61 this section from carrying a firearm on such property.

62 (d) ~~(e)~~ This section does not modify the terms or conditions
63 of s. 790.251(7).

64 (e) ~~(d)~~ Any person who knowingly and willfully violates ~~any~~
65 ~~provision of~~ this subsection commits a misdemeanor of the second
66 degree, punishable as provided in s. 775.082 or s. 775.083.

67 Section 2. This act shall take effect upon becoming a law.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/09/2021

Meeting Date

498

Bill Number (if applicable)

565676

Amendment Barcode (if applicable)

Topic Safety of Religious Institutions

Name Ingrid Delgado

Job Title Associate Director for Social Concerns & Respect Life

Address 201 W Park Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-339-0075

Email idelgado@flaccb.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21

Meeting Date

SB498

Bill Number (if applicable)

Topic Safety of Religious Institutions

565676 by Pizzo

Amendment Barcode (if applicable)

Name Gaby Padron Loewenstein

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Moms Demand Action, FL Chapter

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/21

Meeting Date

SB 498

Bill Number (if applicable)

565676

Amendment Barcode (if applicable)

Topic safety of religious institution

Name Angie Gallo

Job Title vice chair

Address _____
Street

Phone (407) 718-9925

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL COALITION to prevent gun violence

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM *AMENDMENT*

3/9/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB-498

Bill Number (if applicable)

565676

Amendment Barcode (if applicable)

Topic Church Carry

Name Marion P. Hammer

Job Title _____

Address P.O. Box 1387

Phone 850-222-9518

Street

Tallahassee

FL

32302

City

State

Zip

Email MPHammer1@aol.c

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing NRA and Unified Sportsmen of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21

Meeting Date

SB498

Bill Number (if applicable)

Topic Safety of Religious Institutions

565676 by Pizzo

Amendment Barcode (if applicable)

Name Gaby Padua Loewenstein

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Moms Demand Action, FL Chapter

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/2021
Meeting Date

SB 498
Bill Number (if applicable)

Topic Safety of Religious Institutions

565676
Amendment Barcode (if applicable)

Name Dannie McMillon

Job Title Legislation Committee member

Address 1747 Orlando Central Parkway
Street
Orlando, FL 32809
City State Zip

Phone 407 855 7604
Email legislation@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 9, 2021
Meeting Date

SB 498
Bill Number (if applicable)

179036
Amendment Barcode (if applicable)

Topic _____

Name Luis Valdes

Job Title FL State Director

Address 8001 Forbes Place
Street

Phone 703-391-8585

Springfield Va
City State Zip

Email Luis.Valdes@gunowners.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Gun Owners of America

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21

Meeting Date

50498

Bill Number (if applicable)

Topic RELIGIOUS SAFETY

AMENDMENT 379036

Amendment Barcode (if applicable)

Name Rev Dr Russell Meyer

Job Title Exec Dir

Address 1308 WINDSOR PLACE

Street

Phone 813 763 3610

JACKSONVILLE

City

FL

State

32205

Zip

Email russellmeyer@aol.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing FLORIDA COUNCIL OF CHURCHES

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/09/2021

Meeting Date

498

Bill Number (if applicable)

179036

Amendment Barcode (if applicable)

Topic Safety of Religious Institutions

Name Ingrid Delgado

Job Title Associate Director for Social Concerns & Respect Life

Address 201 W Park Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-339-0075

Email idelgado@flaccb.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/9/21
Meeting Date

SB 498
Bill Number (if applicable)
179036
Amendment Barcode (if applicable)

Topic Safety of Religious Institutions

Name Angie Gallo

Job Title Vice chair

Address _____
Street

Phone (407) 718-9925

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL coalition to prevent Gun violence

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

AMENDMENT

3/9/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB-498

Bill Number (if applicable)

179036

Amendment Barcode (if applicable)

Topic Church Carry

Name Marion P. Hammer

Job Title _____

Address P.O. Box 1387

Street

Tallahassee

City

FL

State

32302

Zip

Phone 850-222-9518

Email MPHammer1@aol.c

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing NRA and Unified Sportsmen of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

AMENDMENT

3/9/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB-498

Bill Number (if applicable)

754028

Amendment Barcode (if applicable)

Topic Church Carry

Name Marion P. Hammer

Job Title

Address P.O. Box 1387

Street

Tallahassee

City

FL

State

32302

Zip

Phone 850-222-9518

Email MPHammer1@aol.c

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing NRA and Unified Sportsmen of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 9, 2021
Meeting Date

SB 498
Bill Number (if applicable)

754028
Amendment Barcode (if applicable)

Topic _____

Name Luis Valdes

Job Title FL State Director

Address 8001 Forbes Place

Street

Springfield Vc

City

State

Zip

Phone 703-321-8585

Email Luis.Valdes@gunowners.org

Speaking: ☒ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Gun Owners of America

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9

Meeting Date

SB498

Bill Number (if applicable)

754028

Amendment Barcode (if applicable)

Topic Religious Safety

Name Randy Osborne

Job Title Director

Address 4203 NW Hwy 225A

Street

Ocala

City

FL

State

34482

Zip

Phone 352-572-7598

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Eagle Forum

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

SB 498
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Randy Osborne

Job Title Director

Address 4203 NW Hwy 225A Phone 352-572-7598

Ocala FL 34482 Email _____
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA Eagle Forum

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/2021
Meeting Date

SB 498
Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Danille McMillon

Job Title Legislative Committee Member

Address 1747 Orlando Central Parkway

Phone 4078557604

Orlando, FL 32809
City State Zip

Email legislative@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

03/09/2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate Director for Social Concerns & Respect Life

Address 201 W Park Ave

Phone 850-339-0075

Street

Tallahassee

FL

32301

Email idelgado@flaccb.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

3:30

CRIMINAL JUSTICE

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21

Meeting Date

498

Bill Number (if applicable)

Topic SAFETY OF RELIGIOUS INSTITUTIONS

Amendment Barcode (if applicable)

Name TRISH NEELY

Job Title DIRECTOR

Address 2024 SHANGRI LA LANE

Street

Phone 850 322 3317

TALLY

City

FL

State

32303

Zip

Email

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE WOMEN VOTERS FLORIDA

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

BILL

3/9/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB-498

Bill Number (if applicable)

Topic Church Carry

Amendment Barcode (if applicable)

Name Marion P. Hammer

Job Title _____

Address P.O. Box 1387

Phone 850-222-9518

Street

Tallahassee

FL

32302

City

State

Zip

Email MPHammer1@aol.c

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing NRA and Unified Sportsmen of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

SB 498

Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Luis Valdes

Job Title Florida State Director

Address 8001 Forbes Place - Suite 202

Phone 703-321-8585

Street

Springfield

Virginia

22151

Email Luis.Valdes@gunowners.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Gun Owners of America, Inc.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious institutions

Amendment Barcode (if applicable)

Name Russell Meyer

Job Title Executive Director

Address 1308 Windsor Place

Phone 8134215330

Street

Jacksonville

fl

32205

City

State

Zip

Email rmeyer@floridachurches.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Faith Advocacy Office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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CS

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious institutions

Amendment Barcode (if applicable)

Name Russell Meyer

Job Title Executive Director

Address 1308 Windsor Place

Phone 8134215330

Street

Jacksonville

fl

32205

City

State

Zip

Email rmeyer@floridachurches.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Faith Advocacy Office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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CS

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious institutions

Amendment Barcode (if applicable)

Name Russell Meyer

Job Title Executive Director

Address 1308 Windsor Place

Phone 8134215330

Street

Jacksonville

fl

32205

City

State

Zip

Email rmeyer@floridachurches.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Faith Advocacy Office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/9/21

Meeting Date

SB 498

Bill Number (if applicable)

Topic Safety of Religious Institution

Amendment Barcode (if applicable)

Name Angie Gallo

Job Title Vice Chair

Address _____
Street

Phone (407) 718-9925

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing FL coalition to prevent gun violence

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.

Phone 850-321-9386

Street

Tallahassee

FL

32301

City

State

Zip

Email fcfep@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/09/2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Doug Bell

Job Title

Address 119 S. Monroe St. Suite 200

Phone 850-205-9000

Street

Tallahassee

FL

32301

Email doug.bell@mhdfirm.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing FLorida Chapter of the American Academy of Pediatrics

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

Criminal Justice

THE FLORIDA SENATE
APPEARANCE RECORD

3-9-21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

498

Bill Number (if applicable)

Topic

Mum in Church

Amendment Barcode (if applicable)

Name

Barbara Devane

Job Title

Address

625 E Broadway St

Street

Tallahassee FL 32308

City

State

Zip

Phone

257-4280

Email

barbadevane1@yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

~~Waive Speaking:~~

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

FL NOW

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

3/9/2021

Meeting Date

SB-498

Bill Number (if applicable)

Topic Church Carry

Amendment Barcode (if applicable)

Name Marion P. Hammer

Job Title _____

Address P.O. Box 1387

Phone 850-222-9518

Street

Tallahassee

FL

32302

Email MPHammer1@aol.c

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing NRA and Unified Sportsmen of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

498

Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

March 9, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 498

Bill Number (if applicable)

Topic Safety of Religious Institutions

Amendment Barcode (if applicable)

Name Kenneth C. Morrow Jr.

Job Title Member, Legislative Action Committee

Address P. O. Box 410045

Phone (904) 414-0644

Street

Melbourne

Florida

32941-0045

Email morrow827505@bellsouth.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Republican Liberty Caucus of Florida

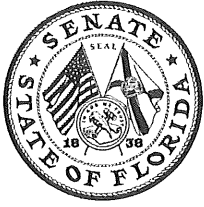
Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Jason Pizzo, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: February 2, 2021

I respectfully request that **Senate Bill #498**, relating to Safety of Religious Institutions, be placed on the:

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

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

Cc: Lauren Jones, Staff Director
Sue Arnold, Committee Administrative Assistant

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 752

INTRODUCER: Senator Gruters

SUBJECT: Public Defender Duties

DATE: March 8, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Erickson</u>	<u>Jones</u>	<u>CJ</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 752 clarifies that a court may not appoint a public defender as co-counsel on a case where the defendant is also represented by private counsel. However, the bill does not prohibit the appointment of a public defender in situations where a defendant is no longer represented by private counsel.

The bill takes effect July 1, 2021.

II. Present Situation:

Every person has the right to legal representation in a criminal proceeding. While a person may hire a private attorney, the Due Process Clause of the 14th Amendment to the United States Constitution requires the appointment of an attorney for those who otherwise cannot afford legal representation in a criminal proceeding where a loss of liberty, such as jail, is at stake.¹ In Florida, indigent criminal defendants may be appointed legal representation from the Public Defender, the Regional Conflict Counsel, or a private court-appointed attorney. Generally, the courts appoint the public defender to represent an indigent defendant, but may appoint the Regional Conflict Counsel or a private court-appointed attorney if the Public Defender or Regional Conflict Counsel has a conflict of interest.²

The Public Defender is a constitutional officer elected in each judicial circuit to represent the indigent in criminal proceedings.³ Each public defender appoints assistant public defenders to assist in these duties and may only represent indigent clients upon appointment from a court

¹ *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963) (“[I]n our adversary system of criminal justice, any person ... who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.”).

² Sections 27.511(5) and 27.40(1) and (2)(a), F.S.

³ FLA. CONST. art. V, s. 18.

order. The courts are prohibited from appointing a public defender to someone who is not indigent, even on a temporary basis.⁴ A public defender may represent any person who is determined to be indigent and is:

- Under arrest for, or charged with, a felony;
- Under arrest for, or charged with:
 - A misdemeanor;
 - A violation of ch. 316, F.S., punishable by imprisonment;
 - Criminal contempt; or
 - A violation of a special law or county or municipal ordinance ancillary to a state charge, or if not ancillary to a state charge, only if the public defender contracts with the county or municipality to provide representation pursuant to ss. 27.54 and 125.69, F.S.;
- Alleged to be a delinquent child pursuant to a petition filed before a circuit court;
- The subject of a petition to be involuntarily placed as a mentally ill person under part I of ch. 394, F.S. (Baker Act), involuntarily placed as a sexually violent predator under part V of ch. 394, F.S. (Jimmy Ryce Act), or involuntarily admitted to residential services as a person with developmental disabilities under ch. 393, F.S.;
- Convicted and sentenced to death, for purposes of handling an appeal to the Supreme Court; or
- Appealing any other civil or criminal matter previously listed.⁵

The clerk of the court is responsible for determining indigent status of someone seeking to be represented by the Public Defender.⁶ Indigent status can be based on either a taxable income equal to or below 200 percent of the federal poverty guidelines,⁷ or on the utilization of any form of TANF, poverty related veteran's benefits, or SSI benefits.⁸ There is a presumption that the applicant is not indigent if the applicant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in any such property having a net equity value of \$2,500 or more, excluding the value of the person's homestead and one vehicle having a net value not exceeding \$5,000.⁹

A person seeking the appointment of the public defender based on the inability to afford private counsel must complete an application of indigent status with the clerk of the court. The person must provide the following information:

- Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.
- Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public

⁴ Section 27.51(2), F.S.

⁵ Sections 27.51(1), 394.4598(1), and s. 394.916, F.S.

⁶ Section 27.52(2), F.S.

⁷ Based on the 2021 guidelines, an applicant under this scenario would qualify if his or her income were equal to or below \$25,760 (200% of \$12,880) for a single person household, adding \$9,080 for each additional person in the household. U.S. Dept. of Health and Human Service, *HHS Poverty Guidelines for 2021*, <https://aspe.hhs.gov/poverty-guidelines> (last visited March 3, 2021).

⁸ Section 27.52(2)(a), F.S. "TANF" is the Temporary Assistance for Needy Families Program. "SSI" is the Supplemental Security Income program.

⁹ Section 27.52(2)(a)1., F.S.

or private employee pensions, reemployment assistance or unemployment compensation, dividends, interest, rent, trusts, and gifts.

- Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.
- All liabilities and debts.
- The amount of any bail paid for the applicant's release from incarceration and the source of the funds.¹⁰

Indigent for Costs

A court may declare a person who is represented by a private attorney but who is also eligible to be represented by the public defender to be indigent for costs.¹¹ If the court determines a person is indigent for costs, the person is eligible to have the State pay for certain due process services that are necessary to prepare a legal defense, such as the costs of transcribing depositions, witnesses, mental health professionals, travel expenses, and legal research.¹² The Justice Administrative Commission (JAC) pays for the costs for these services.¹³

Appointment of the Public Defender as Co-Counsel

On December 16, 2010, in Hillsborough County (13th Judicial Circuit), Michael Keetley was indicted on two counts of first degree murder and four counts of attempted first degree murder, and the State filed a notice of intent to seek the death penalty in 2011.¹⁴ Keetley was represented by a series of private attorneys, beginning on December 16, 2010, when a private attorney filed a notice of appearance on Keetley's behalf.¹⁵ In October 2014, one of Keetley's private attorneys moved to have Keetley declared indigent for costs. At that point, Keetley's parents, who had paid for the private attorneys, had incurred approximately \$200,000 in fees for their services. The trial court granted the motion.¹⁶

On April 14, 2017, the trial court granted a motion for Keetley's private attorney to appoint penalty-phase counsel and appointed the Public Defender to serve as co-counsel.¹⁷ Although the Public Defender did not file a response to the motion, the JAC appeared at the hearing telephonically and objected that it did not have statutory authority to pay for court-appointed

¹⁰ Section 27.52(1)(a), F.S.

¹¹ Section 27.52(5), F.S.

¹² Sections 27.52(5), 29.006, and 29.007, F.S.

¹³ Section 27.52(5)(f), F.S. The JAC provides administrative and financial services on behalf of the offices of the State Attorney, Public Defender, Criminal Conflict and Civil Regional Counsel, Capital Collateral and Regional Counsel, the Guardian Ad Litem Program, private attorneys who have been appointed to represent indigent persons, and expenses for persons who have been determined to be indigent for costs. Section 43.16, F.S.

¹⁴ *Holt for Thirteenth Judicial Circuit, Hillsborough County v. Keetley*, 250 So.3d 206 (Fla. 2d DCA 2018).

¹⁵ *Id.* at 207-209.

¹⁶ *Id.* at 207.

¹⁷ *Id.* at 208. This was a renewed motion. In a previous motion for appointment of penalty-phase counsel, which was denied, Keetley's private attorney had requested co-counsel "on the grounds that it is 'standard practice in death penalty cases, for a defendant to be represented by at least two lawyers' and that she did not feel that she could 'prepare for both first phase motions and trial and competently and effectively prepare motions, conduct hearings and arguments on the penalty phase issues.'" *Id.*

counsel. The JAC’s objection was noted by the trial court in its order. Subsequently, “the Public Defender moved for reconsideration, arguing, in sum, ‘There is no provision in Florida law that allows the appointment of the Office of the Public Defender when a defendant has retained counsel.’ At the hearing—at which an attorney from the Office of the Public Defender did appear—the trial court orally denied the motion for reconsideration. No written order was rendered.”¹⁸ Thereafter, the Public Defender filed a petition for a writ of certiorari but the appellate court refused to issue a ruling on the merits of the case because the Public Defender failed to establish the prerequisites to invoke the appellate court’s certiorari jurisdiction.¹⁹

In 1983, the First District Court of Appeal held that a public defender cannot be appointed as co-counsel in a case where a defendant has already retained private counsel.²⁰

III. Effect of Proposed Changes:

The bill amends s. 27.52, F.S., to clarify that a court may not appoint a public defender as co-counsel on a case where the defendant is also represented by private counsel. However, the bill does not prohibit the appointment of a public defender in situations where a defendant is no longer represented by private counsel.

The bill takes effect July 1, 2021.

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, section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁸ *Id.* at 209.

¹⁹ *Id.* at 209-210.

²⁰ In *Behr v. Gardner*, 442 So. 2d 980, 982 (Fla. 1st DCA 1983) (on motion for rehearing), the court found that the appointment of a public defender “is to ensure that indigent defendants are afforded the opportunity for representation by counsel [T]his purpose is not furthered by appointing the public defender to represent a defendant who, although indigent, is already represented by a privately retained attorney.”

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will prevent a court from appointing the public defender as a co-counsel to a case where the defendant has retained a private defense counsel. Although this situation appears to have rarely occurred, the bill will prevent the resources of public defenders from being used in cases where the defendant is represented by a private defense counsel.

A defendant who retains a private defense counsel may still be declared indigent for costs and eligible to have the state pay for certain due process services that are necessary to prepare a legal defense, such as the costs of transcribing depositions, witnesses, mental health professionals, travel expenses, and legal research.²¹ Thus, services that could have been provided by the public defender as co-counsel may still otherwise be provided with state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 27.51 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.

²¹ Section 27.52(5)(f), F.S.

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 Gruters

23-00995-21

2021752__

A bill to be entitled

An act relating to public defender duties; amending s. 27.51, F.S.; specifying additional circumstances under which a public defender may not be appointed to represent a defendant; providing an effective date.

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

Section 1. Subsection (2) of section 27.51, Florida Statutes, is amended to read:

27.51 Duties of public defender.—

(2) The court may not appoint the public defender to represent, even on a temporary basis, any person who is not indigent. If a defendant has retained private counsel, the court may not appoint the public defender to represent that defendant simultaneously on the same case. The court, however, may appoint private counsel in capital cases as provided in ss. 27.40 and 27.5303.

Section 2. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1088

INTRODUCER: Criminal Justice Committee and Senator Rodrigues

SUBJECT: Modification or Continuation of Terms of Probation

DATE: March 10, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Jones	CJ	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1088 amends s. 948.06, F.S., providing that the court must modify or continue a probationary term upon finding a probationer in violation when *all*, rather than *any*, of the following applies:

- The term of supervision is probation;
- The probationer does not qualify as a violent felony offender of special concern (VFOSC);
- The violation is a low-risk technical violation, as defined in s. 948.06(9)(b), F.S.; and
- The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory modification or continuation of his or her probation.

The bill is effective upon becoming a law.

II. Present Situation:

Probation Supervision through the Department of Corrections

At sentencing, a judge may place an offender on probation or community control in lieu of or in addition to incarceration.¹ The Department of Corrections (DOC) supervises more than 164,000

¹ Section 948.01, F.S.

offenders on active community supervision. This includes offenders released from prison on parole, conditional release, or conditional medical release and offenders placed on court ordered supervision including probation, drug offender probation, sex offender probation, and community control.²

Probation

Probation is a form of community supervision requiring specified contacts with probation officers and other conditions a court may impose to ensure the offender's compliance with the terms of the sentence and the safety to the community.³ Section 948.03, F.S., provides that a court must determine the terms and conditions of probation. Standard conditions of probation that are enumerated in s. 948.03, F.S., 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.

Violations of Probation

If an offender violates the terms of his or her probation or community control, the supervision can be revoked in accordance with s. 948.06, F.S.⁴ A violation of probation (VOP) can be the result of a new violation of law or a technical violation of the conditions imposed. If reasonable grounds exist to believe that an offender has violated his or her terms of supervision in a material respect, an offender may be arrested without a warrant by a:

- Law enforcement officer who is aware of the inmate's supervised community release status;
- Probation officer; or
- County or municipal law enforcement officer upon request by a probation officer.⁵

The offender must be returned to the court granting such probation.⁶ Additionally, the committing court judge may issue a warrant, upon the facts being made known to him or her by affidavit of one having knowledge of such facts, for the arrest of the offender.⁷

Upon a finding through a VOP hearing, a court may revoke, modify, or continue the supervision. If the court chooses to revoke the supervision, it may impose any sentence originally permissible before placing the offender on supervision.⁸ In addition, if an offender qualifies as a VFOSC, the court must revoke supervision, unless it makes written findings that the VFOSC does not pose a danger to the community.⁹ The VFOSC status also accrues sentence points under the Code, which affects the scoring of the lowest permissible sentence.¹⁰

² The DOC, *Probation Services*, available at <http://www.dc.state.fl.us/cc/index.html> (last visited March 5, 2021).

³ Section 948.001(8), F.S. Terms and conditions of probation are provided in s. 948.03, F.S.

⁴ Section 948.10(3), F.S.

⁵ Section 948.06(1)(a), F.S.

⁶ *Id.*

⁷ Section 948.06(1)(b), F.S. The committing trial court judge may also issue a notice to appear if the probationer or controllee has never been convicted of committing, and is not currently alleged to have committed, a qualifying offense as enumerated in s. 948.06(8)(c), F.S.

⁸ Section 948.06(2)(b), F.S.

⁹ See s. 948.06(8)(a), F.S., for all VFOSC qualifications and the enumerated list of felonies that are considered qualifying offenses. See also ch. 2007-2, L.O.F.

¹⁰ Section 921.0024, F.S.

CS/HB 7125 (2019)

Prior to October 1, 2019, the effective date for section 63 of CS/HB 7125 (2019),¹¹ the sentencing court had the complete discretion to determine whether to continue, modify, or revoke an offender's probation subsequent to a violation of probation.¹² However, in part, CS/HB 7125 (2019) amended s. 948.06, F.S., providing that the court must modify or continue a probationary term upon finding a probationer in violation when *any* of the following applies:

- The term of supervision is probation.
- The probationer does not qualify as a VFOSC.
- The violation is a low-risk technical violation, as defined in s. 948.06(9)(b), F.S.¹³
- The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory modification or continuation of his or her probation.

Further, if the court is required to modify or continue the probationary term, the court may include in the sentence a maximum of 90 days in county jail as a special condition of probation.¹⁴

CS/HB 7125 (2019) also provided that if a probationer has less than 90 days of supervision remaining on his or her term of probation and meets the criteria for mandatory modification or continuation, the court may revoke probation and sentence the probationer to a maximum of 90 days in county jail.¹⁵

However, the intent for this provision was to require modification or continuation of probation only when *all* of the enumerated circumstances were present.

Several courts have addressed the issue in cases in which the probationer has argued that the plain reading of the statute requires that only one of conditions listed is met, rather than all. Courts have generally held that the literal reading of the statute would lead to an absurd result, as all probationers would meet the first condition listed, being sentenced to a term of probation, and nullifying the subsequent conditions listed.¹⁶

¹¹ Chapter 2019-167, L.O.F.

¹² See s. 948.06, F.S. (2018).

¹³ Section 948.06(9)(b), F.S., defines a “low-risk violation” to mean any of the following: 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 Section 948.06(2)(f)2., F.S.

¹⁵ See s. 948.06(2)(f)3., F.S.

¹⁶ See *Kirk v. State*, 303 So.3d 604, 606 (Fla. 1st DCA 2020); *Owens v. State*, 303 So.3d 993, 998 (Fla. 5th DCA 2020); and *Massey v. State*, 2021 WL 128212 (Fla. 1st DCA 2021).

III. Effect of Proposed Changes:

The bill amends s. 948.06, F.S., providing that the court must modify or continue a probationary term upon finding a probationer in violation when *all*, rather than *any*, of the following applies:

- The term of supervision is probation;
- The probationer does not qualify as a violent felony offender of special concern (VFOSC);
- The violation is a low-risk technical violation, as defined in s. 948.06(9)(b), F.S.; and
- The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory modification or continuation of his or her probation.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill appears to be exempt from the requirements of Art. VII, s. 18(d) of the Florida Constitution, relating to unfunded mandates.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 948.06 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Criminal Justice on March 9, 2021:

The committee substitute corrects a grammatical error.

B. Amendments:

None.



890572

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 20 - 24
and insert:

- a. The term of supervision is probation;~~;~~
- b. The probationer does not qualify as a violent felony offender of special concern, as defined in paragraph (8) (b) ;~~;~~
- c. The violation is a low-risk technical violation, as defined in paragraph (9) (b) ; and~~;~~

By Senator Rodrigues

27-01575-21

20211088__

A bill to be entitled

An act relating to modification or continuation of terms of probation; amending s. 948.06, F.S.; revising the circumstances under which a court must modify or continue a term of probation; providing an effective date.

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

Section 1. Paragraph (f) of subsection (2) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(2)

(f)1. Except as provided in subparagraph 3. or upon waiver by the probationer, the court shall modify or continue a probationary term upon finding a probationer in violation when all ~~any~~ of the following apply ~~applies~~:

a. The term of supervision is probation.

b. The probationer does not qualify as a violent felony offender of special concern, as defined in paragraph (8)(b).

c. The violation is a low-risk technical violation, as defined in paragraph (9)(b).

d. The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory

Page 1 of 2

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

27-01575-21

20211088__

modification or continuation of his or her probation.

2. Upon modifying probation under subparagraph 1., the court may include in the sentence a maximum of 90 days in county jail as a special condition of probation.

3. Notwithstanding s. 921.0024, if a probationer has less than 90 days of supervision remaining on his or her term of probation and meets the criteria for mandatory modification or continuation in subparagraph 1., the court may revoke probation and sentence the probationer to a maximum of 90 days in county jail.

4. For purposes of imposing a jail sentence under this paragraph only, the court may grant credit only for time served in the county jail since the probationer's most recent arrest for the violation. However, the court may not order the probationer to a total term of incarceration greater than the maximum provided by s. 775.082.

Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

1088

Bill Number (if applicable)

Topic Modification or Continuation of Terms or Probation

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Agriculture,
Environment, and General Government, *Vice Chair*
Appropriations Subcommittee on Health and
Human Services
Banking and Insurance
Finance and Tax
Judiciary
Regulated Industries

JOINT COMMITTEES:

Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Committee on Public Counsel Oversight

SENATOR RAY WESLEY RODRIGUES
27th District

February 15, 2021

The Honorable Jason Pizzo
Senate Criminal Justice, Chair
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1088 – Modification or Continuation of Terms of Probation

Dear Mr. Chair:

Please allow this letter to serve as my respectful request to place SB 1088, relating to the modification or continuation of terms of probation, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Ray Rodrigues".

Ray Rodrigues
Senate District 27

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WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1166

INTRODUCER: Criminal Justice Committee and Senator Brandes

SUBJECT: Juvenile Justice

DATE: March 10, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stokes	Jones	CJ	Fav/CS
2. _____	_____	ACJ	_____
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1166 amends s. 20.316, F.S., to retain the program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ). This program was created in statute by the implementing bill for the General Appropriations Act for FY 2020-21. This change will also allow the secretary to keep the assistant secretary that was appointed for the program. The bill also retains the change made to s. 20.316, F.S., by the implementing bill for the General Appropriations Act for FY 2020-21, that revised the name of the existing program, “Prevention and Victim Services,” to “Prevention Services.” This change is because the DJJ has not provided victim services for numerous years.

This bill amends s. 985.101, F.S., providing a court may order that a child be taken into custody for a failure to appear. Before the court issues such an order, it must consider all of the following information relating to whether the child’s nonappearance was willful:

- Whether notice was sent to the address in the official court record.
- Whether notice was given to the child in any format by anyone.
- Whether counsel, if any, for the child had contact or attempted to have contact with the child.
- Whether a DJJ representative had contact or attempted to have contact with the child.
- Whether the DJJ has any specific information to assist the court in this decision.

This bill amends s. 985.435, F.S., providing that each judicial circuit must develop a written plan specifying the alternative consequence component. These plans must be based upon the principle that sanctions must reflect:

- The seriousness of the violation.
- The assessed criminogenic needs and risks of the child.
- The child's age and maturity level.
- How effective the sanction or incentive will be in moving the child to compliant behavior.

The plan must be made in consultation with the judges, the state attorney, the public defender, the relevant law enforcement agency in the judicial circuit, and the DJJ.

This bill also amends s. 985.6865, F.S., to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost. This bill also removes language related to detention cost-sharing that is no longer relevant.

This bill repeals s. 985.686, F.S. Section 985.686, F.S., formerly provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

Additionally, for purposes of incorporating the amendments made by this act, this bill reenacts ss. 960.001, 985.439, and 985.565, F.S.

The DJJ indicates that there will be an indeterminate negative fiscal impact. See Section V. Fiscal Impact Statement.

This bill is effective July 1, 2021.

II. Present Situation:

The DJJ has traditionally managed juveniles under a rehabilitative model of justice.¹ The mission of the DJJ is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.² The secretary of the DJJ is appointed by the Governor and tasked with carrying out programs to help achieve this mission.

Programs within the Department of Juvenile Justice

Section 20.316, F.S., establishes 6 programs within the DJJ. The secretary of the DJJ appoints an assistant secretary to oversee these programs. The following DJJ programs have been established by this section:

¹ Learn about the History of the Juvenile Justice System in Florida, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/history> (last visited March 5, 2021).

² Learn about the Vision, Mission and Guiding Principles of the Department of Juvenile Justice, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/mission> (last visited March 5, 2021).

- Accountability and Program Support (OAPS). The OAPS emphasizes the DJJ's commitment to ensuring programs operated or contracted by the DJJ effectively provide for the safety, well-being, and treatment of youth under the state's care.³
- Administration. The Office of Administrative Services is responsible for providing services to department staff, including but not limited to, financial, computer information systems, personnel, and general services.^{4, 5}
- Intake and Detention. Detention is the custody status for youth that are held pursuant to a court order or after being taken into custody for a violation of the law. The DJJ operates 21 secure detention centers in 21 counties.⁶
- Prevention. The Prevention program offers voluntary youth crime prevention programs throughout the state.⁷
- Probation and Community Corrections. When a youth is charged with a crime they may be referred to diversion, or court ordered sanctions or probation. Each youth is assigned a probation officer who monitors compliance and helps the youth connect with service providers.⁸
- Residential and Correctional Facilities. The Office of Residential Services oversees the Department's development, maintenance, and management of facilities and programs that meet the needs of Florida's adjudicated delinquent youths and promote public safety.⁹

In order to carry out his or her duties, the secretary assigns an assistant secretary to administer each program. The OAPS emphasizes the DJJ's commitment to ensuring programs operated or contracted by the DJJ effectively provide for the safety, well-being, and treatment of youth under the state's care.¹⁰

The implementing bill for the General Appropriations Act for FY 2020-21 created the program of the OAPS in s. 20.316, F.S. This allowed the secretary to appoint an assistant secretary to oversee the OAPS. Section 65 of the implementing bill provided the changes to s. 20.316, F.S., will expire on July 1, 2021, and revert back to what it was on June 30, 2020.^{11, 12} Without such a change, the DJJ will no longer have the OAPS and the Prevention program will revert back to Prevention and Victim Services.

³ Office of Accountability and Program Support, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/OPA> (last visited March 5, 2021).

⁴ Office of Administrative Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/administration> (last visited March 5, 2021).

⁵ Section 20.316(2), F.S.

⁶ Detention Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/detention> (last visited March 5, 2021).

⁷ Prevention Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/prevention> (last visited March 5, 2021).

⁸ Probation & Community Intervention, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/probation> (last visited March 5, 2021).

⁹ Residential Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/residential> (last visited March 5, 2021).

¹⁰ Office of Accountability and Program Support, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/OPA> (last visited March 5, 2021).

¹¹ Chapter 2020-114 s. 64, L.O.F.

¹² Section 20.316, F.S. (2019), established 5 programs within the DJJ. The following DJJ programs have been established by this section: Prevention and Victim Services; Intake and Detention; Residential and Correctional Facilities; Probation and Community Corrections; and Administration.

The secretary of the DJJ is responsible for planning, coordinating, and managing the delivery of all programs and services within the DJJ.¹³ The secretary has many duties, including but not limited to:

- Ensuring that programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and circuit program operations and providing technical assistance to those programs.
- Identifying the need for and recommending the funding and implementation of an appropriate mix of programs and services, including prevention, diversion, nonresidential and residential commitment programs, training schools, and conditional release programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.
- Establishing program policies and rules and ensuring that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.¹⁴

Detention of Children in Florida

A child may only be taken into custody of the DJJ under certain circumstances. A child may be taken into custody:

- Pursuant to an order of the circuit court issued under ch. 985, F.S., based on sworn testimony, either before or after a petition is filed.
- For a delinquent act or violation of law.
- By a law enforcement officer for failing to appear at a court hearing after being properly noticed.
- By a law enforcement officer who has probable cause to believe that the child is in violation of the child's probation, supervised release detention, postcommitment probation, or conditional release supervision; has absconded from nonresidential commitment; or has escaped from residential commitment.¹⁵

A child is entitled to a hearing within 24 hours of being taken into custody or placed in detention care. At the hearing, the court may order continued detention care if:

- The result of the risk assessment instrument pursuant to s. 985.245, F.S., indicates secure or supervised release detention.
- The child is alleged to be an escapee from a residential commitment program; or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision; or is alleged to have escaped while being lawfully transported to or from a residential commitment program.
- The child is detained on a judicial order for failure to appear, after proper notice:
 - For an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument; or

¹³ Sections 20.316(1)(a) and (b), F.S.

¹⁴ Section 20.316(1), F.S.

¹⁵ Section 985.101(1)(a)-(d), F.S.

- At two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument.¹⁶

A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing for any of the above reasons. A child's failure to keep the clerk of court and defense counsel informed of a current mailing address is not an adequate excuse for the child's failure to appear.¹⁷

"Detention care" means "the temporary care of a child in secure, or supervised release detention, pending a court adjudication or disposition or execution of a court order."¹⁸ There are two types of detention care, including:

- "Secure detention" which is the temporary custody of a child while he or she is under the physical restriction of a secure detention center or facility pending adjudication, disposition, or placement.
- "Supervised release detention" which is the temporary, nonsecure custody of a child while the child is released to the custody of a parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of department staff pending adjudication or disposition, through programs that include, but are not limited to, electronic monitoring, day reporting centers, and nonsecure shelters, in addition to other court-imposed requirements.¹⁹

Generally, a child may not be held in detention care for more than 21 days, unless an adjudicatory hearing for the case has been commenced in good faith by the court. The court may extend the length of detention for an additional 9 days if the child is charged with certain offenses, and there is good cause shown that the nature of the charge requires additional time for the prosecution or defense of the case. Additionally, a prolific juvenile²⁰ offender must be placed on supervised release detention care with electronic monitoring or in secure detention care under a special detention order.²¹

Juvenile Detention Cost Sharing

Detention cost sharing was previously governed by s. 985.686, F.S., and provided that non-fiscally constrained counties were responsible to pay all the costs of providing preadjudicatory detention care, exclusive of the costs of any nonmedical educational or therapeutic services. Section 985.686, F.S., required the state to pay all detention care costs of fiscally constrained counties.²² This cost-sharing methodology led to litigation between counties and the DJJ.

¹⁶ Section 985.255(1), F.S.

¹⁷ *Id.*

¹⁸ Section 985.03(18), F.S.

¹⁹ *Id.*

²⁰ Section 985.255, F.S., provides that a "prolific juvenile offender" means a child that is charged with a delinquent act that would be a felony if committed by an adult, has a prior adjudication or adjudication withheld for a delinquent act that would be a felony if committed by an adult, and has 5 or more arrests, adjudications, or adjudications withheld, 3 of which must have been felony offenses.

²¹ Section 985.26, F.S.

²² Sections 985.686(3) and (4), F.S.

In 2016, as a response to the litigation on cost-sharing, the Legislature passed s. 985.6865, F.S., creating a new cost sharing methodology. The passage of s. 985.6865, F.S., has rendered s. 985.686, F.S., obsolete.

Section 985.6865, F.S., provides that, notwithstanding s. 985.686, F.S., each fiscal year, every county that is not fiscally constrained²³ and that has dismissed any action or claim described in s. 985.6865(2), F.S.,²⁴ must pay 50 percent of the total shared detention cost.²⁵

The DJJ calculates a county's annual percentage share by dividing the total number of detention days for juveniles residing in the non-fiscally constrained county for the most recently completed 12-month period by the total number of detention days for juveniles in all non-fiscally constrained counties. The county must pay 50 percent of the annual percentage share in 12 equal payments, due on the first day of each month.²⁶

Counties that are required to pay their share of detention costs must incorporate sufficient funds to pay its share of detention costs into its annual budget.²⁷ Funds paid by the counties to the DJJ under this section must be deposited into the Shared County/State Juvenile Detention Trust Fund.²⁸ The DJJ will determine quarterly whether counties are complying with this section.²⁹

The State must pay all costs of detention care for juveniles:

- Residing in a fiscally constrained county.
- Residing out of State.
- Housed in state detention centers from counties that provide their own detention care for juveniles.³⁰

Section 985.6865, F.S., also contains language that refers back to past litigation arising from s. 985.686, F.S. This language is outdated and has become obsolete.

Violation of Probation

After a child is found to have committed a delinquent act, the court must hold a disposition hearing.³¹ At the disposition hearing, the court must determine whether the child will be committed to the DJJ or receive community based sanctions. If the court determines not to

²³ Section 985.6865(3)(b), F.S., defines “fiscally constrained county” as a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1.

²⁴ Various counties and the DJJ have engaged in a multitude of legal proceedings, including administrative or judicial claims, regarding detention cost sharing for juveniles. Such litigation has largely focused on how the DJJ calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Sections 985.6865(1) and (2), F.S.

²⁵ Section 985.6865(4), F.S.

²⁶ *Id.*

²⁷ Section 985.6865(6), F.S.

²⁸ Section 985.6865(7), F.S.

²⁹ Section 985.6865(8), F.S.

³⁰ Section 985.6865(5), F.S.

³¹ Section 985.433, F.S.

commit the child to the DJJ, the court must determine what community-based sanctions it will impose in a probation program for the child. Community-based sanctions may include, but are not limited to:

- Participation in substance abuse treatment.
- A day-treatment probation program.
- Restitution in money or in kind.
- A curfew.
- Revocation or suspension of the driver license of the child.
- Community service.
- Appropriate educational programs as determined by the district school board.³²

A probation program for a child adjudicated delinquent must include a penalty component,³³ and a rehabilitative program component.³⁴ A probation program may also include an alternative consequence component to address instances in which a child is noncompliant with technical conditions of his or her probation but has not committed any new law violations. The alternative consequence component is designed to provide swift and appropriate consequences to any noncompliance with technical conditions of probation. If the probation program includes this component, specific consequences that apply to noncompliance with specific technical conditions of probation must be detailed in the disposition order.³⁵

The state attorney or the DJJ may bring a child before the court on a petition alleging a violation of probation if sanctions are sought.³⁶ A child taken into custody on an alleged violation of probation must be screened and either detained or released based on his or her risk assessment instrument score.³⁷ If the child admits to the violation, or the court finds that the child has violated his or her probation, the court must enter a new disposition order. The court may impose any sanction that the court could have imposed at the original disposition hearing.³⁸ The court may:

- Place the child in supervised release detention with electronic monitoring.
- If the violation of probation is technical in nature and not a new law violation, place the child in an alternative consequence program designed to provide swift and appropriate consequences to any further violations of probation.
 - Alternative consequence programs must be established, within existing resources, at the local level in coordination with law enforcement agencies, the chief judge of the circuit, the state attorney, and the public defender.
 - Alternative consequence programs may be operated by an entity such as a law enforcement agency, the DJJ, a juvenile assessment center, a county or municipality, or another entity selected by the DJJ.

³² Section 985.433(8), F.S.

³³ Section 985.435(2), F.S., provides a penalty component that may include restitution, community service, a curfew, revocation or suspension of the driver license, or other nonresidential punishment appropriate to the offense.

³⁴ Section 985.435(3), F.S., provides a rehabilitative component that may include a substance abuse treatment program, or a school or career and technical education program.

³⁵ Section 985.435(4), F.S.

³⁶ Section 985.439(1)(b), F.S.

³⁷ Section 985.439(2), F.S.

³⁸ Section 985.439(4), F.S.

- Upon placing a child in an alternative consequence program, the court must approve specific consequences for specific violations of the conditions of probation.
- Modify or continue the child's probation program.
- Revoke probation and commit the child to the DJJ.³⁹

Additionally, the court may order the child submit to random testing to detect the use of alcohol or controlled substances at the time of disposition.⁴⁰

III. Effect of Proposed Changes:

This bill amends s. 20.316, F.S., to retain the program entitled "Accountability and Program Support" within the Department of Juvenile Justice (DJJ). This program was created in statute by the implementing bill for the General Appropriations Act for FY 2020-21.⁴¹ This change will also allow the secretary to keep the assistant secretary that was appointed for the program. The bill also retains the change made to s. 20.316, F.S., by the implementing bill for the General Appropriations Act for FY 2020-21, that revised the name of the existing program, "Prevention and Victim Services," to "Prevention Services."⁴² This change is because the DJJ has not provided victim services for numerous years.

This bill amends s. 985.101, F.S., providing a court may order that a child be taken into custody for a failure to appear. Before the court issues such an order, it must consider all of the following information relating to whether the child's nonappearance was willful:

- Whether notice was sent to the address in the official court record.
- Whether notice was given to the child in any format by anyone.
- Whether counsel, if any, for the child had contact or attempted to have contact with the child.
- Whether a DJJ representative had contact or attempted to have contact with the child.
- Whether the DJJ has any specific information to assist the court in this decision.

This bill amends s. 985.435, F.S., providing that each judicial circuit must develop a written plan specifying the alternative consequence component. These plans must be based upon the principle that sanctions must reflect:

- The seriousness of the violation.
- The assessed criminogenic needs and risks of the child.
- The child's age and maturity level.
- How effective the sanction or incentive will be in moving the child to compliant behavior.

The plan must be made in consultation with the judges, the state attorney, the public defender, the relevant law enforcement agency in the judicial circuit, and the DJJ.

This bill also amends s. 985.6865, F.S., to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the

³⁹ Section 985.439(4)(a)-(d), F.S.

⁴⁰ Section 985.439(5), F.S.

⁴¹ Chapter 2020-114 s. 64, L.O.F.

⁴² *Id.*

detention cost. This bill also removes language related to detention cost-sharing that is no longer relevant.

This bill repeals s. 985.686, F.S. Section 985.686, F.S., formerly provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

Additionally, for purposes of incorporating the amendments made by this act, this bill reenacts ss. 960.001, 985.439, and 985.565, F.S.

This bill is effective July 1, 2021.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DJJ indicates this bill will have an indeterminate cost savings. In accordance with Detention Cost Share, counties who are not fiscally constrained and do not provide their own detention care must pay for half of detention care cost. The bill will likely decrease

the number of youth held in secure detention for a failure to appear or violation of probation, therefore providing a cost savings for the state and the counties.⁴³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.316, 985.101, 985.435, and 985.6865.

This bill repeals section 985.686 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 960.001, 985.439, and 985.565.

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 9, 2021:

The committee substitute:

- Amends s. 985.101, F.S., providing that a court may take a child into custody for failing to appear. Prior to issuing such order the court must consider specified criteria to determine the child's nonappearance was willful.
- Amends s. 985.435, F.S., to provide that each circuit must develop, in consultation with judges, the state attorney, the public defender, relevant law enforcement agencies, and the DJJ, a written plan specifying the alternative sanctions and incentives for noncompliance with probation.
- Reenacts various statutes.

B. Amendments:

None.

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

⁴³ Department of Juvenile Justice, *2021 Agency Analysis of SB 1166* (February 22, 2021). On file with the Senate Committee on Criminal Justice.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Upon the expiration and reversion of the
amendment made to section 20.316, Florida Statutes, pursuant to
section 65 of chapter 2020-114, Laws of Florida, subsections (2)
and (3) of section 20.316, Florida Statutes, are amended to
read:

20.316 Department of Juvenile Justice.—There is created a



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Department of Juvenile Justice.

(2) DEPARTMENT PROGRAMS.—The following programs are established within the Department of Juvenile Justice:

(a) Accountability and Program Support.

(d) ~~(a)~~ Prevention ~~and Victim~~ Services.

(c) ~~(b)~~ Intake and Detention.

(f) ~~(e)~~ Residential and Correctional Facilities.

(e) ~~(d)~~ Probation and Community Corrections.

(b) ~~(e)~~ Administration.

The secretary may establish assistant secretary positions and a chief of staff position as necessary to administer the requirements of this section.

(3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department shall plan and administer its programs through a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the Prevention ~~and Victim~~ Services Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief



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circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement.

Section 2. Subsection (5) is added to section 985.101, Florida Statutes, to read:

985.101 Taking a child into custody.—

(5) A court may order that a child be taken into custody for failure to appear. Before the court issues such an order, it must consider all of the following information relating to whether the child's nonappearance was willful:

(a) Whether notice was sent to the address in the official court record.

(b) Whether notice was given to the child in any format by anyone.

(c) Whether counsel, if any, for the child had contact or attempted to have contact with the child.

(d) Whether a department representative had contact or attempted to have contact with the child.

(e) Whether the department has any specific information to assist the court in this decision.

Section 3. Subsection (4) of section 985.435, Florida Statutes, is amended to read:

985.435 Probation and postcommitment probation; community service.—

(4) A probation program may also include an alternative consequence component to address instances in which a child is noncompliant with technical conditions of his or her probation but has not committed any new violations of law. Each circuit shall develop, in consultation with judges, the state attorney,



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the public defender, relevant law enforcement agencies, and the department, a written plan specifying the alternative consequence component which must be based upon the principle that sanctions must reflect the seriousness of the violation, the assessed criminogenic needs and risks of the child, the child's age and maturity level, and how effective the sanction or incentive will be in moving the child to compliant behavior.

The alternative consequence component is designed to provide swift and appropriate consequences or incentives to a child who is alleged to be noncompliant with or in violation of ~~to any noncompliance with technical conditions of~~ probation. If the probation program includes this component, specific consequences that apply to noncompliance with specific technical conditions of probation, as well as incentives used to move the child toward compliant behavior, must be detailed in the disposition order.

Section 4. Section 985.686, Florida Statutes, is repealed.

Section 5. Subsections (1) through (6) of section 985.6865, Florida Statutes, are amended to read:

985.6865 Juvenile detention.—

~~(1) The Legislature finds that various counties and the Department of Juvenile Justice have engaged in a multitude of legal proceedings regarding detention cost sharing for juveniles. Such litigation has largely focused on how the Department of Juvenile Justice calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Additionally, litigation pending in 2016 is a financial burden on the taxpayers of this state.~~



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~~(2) It is the intent of the Legislature that all counties that are not fiscally constrained counties and that have pending administrative or judicial claims or challenges file a notice of voluntary dismissal with prejudice to dismiss all actions pending on or before February 1, 2016, against the state or any state agency related to juvenile detention cost sharing. Furthermore, all counties that are not fiscally constrained shall execute a release and waiver of any existing or future claims and actions arising from detention cost share prior to the 2016-2017 fiscal year. The department may not seek reimbursement from counties complying with this subsection for any underpayment for any cost-sharing requirements before the 2016-2017 fiscal year.~~

~~(1)(3)~~ As used in this section, the term:

(a) "Detention care" means secure detention and respite beds for juveniles charged with a domestic violence crime.

(b) "Fiscally constrained county" means a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

(c) "Total shared detention costs" means the amount of funds expended by the department for the costs of detention care for the prior fiscal year. This amount includes the most recent actual certify forward amounts minus any funds it expends on detention care for juveniles residing in fiscally constrained counties or out of state.

~~(2)(4) Notwithstanding s. 985.686, for the 2017-2018 fiscal~~



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~~year, and each fiscal year thereafter, each county that is not a~~
~~fiscally constrained county and that has taken the action~~
~~fulfilling the intent of this section as described in subsection~~
~~(2) shall pay its annual percentage share of 50 percent of the~~
~~total shared detention costs. By Annually by July 15, 2017, and~~
~~each year thereafter,~~ the department shall calculate and provide
to each county that is not a fiscally constrained county and
that does not provide its own detention care for juveniles its
annual percentage share by dividing the total number of
detention days for juveniles residing in the county for the most
recently completed 12-month period by the total number of
detention days for juveniles in all counties that are not
fiscally constrained counties during the same period. The annual
percentage share of each county that is not a fiscally
constrained county and that does not provide its own detention
care for juveniles must be multiplied by 50 percent of the total
shared detention costs to determine that county's share of
detention costs. Beginning August 1, each such county shall pay
to the department its share of detention costs, which shall be
paid in 12 equal payments due on the first day of each month.
The state shall pay the remaining actual costs of detention
care.

(3)~~(5)~~ The state shall pay all costs of detention care for
juveniles residing in a fiscally constrained county and for
juveniles residing out of state. The state shall pay all costs
of detention care for juveniles housed in state detention
centers from counties that provide their own detention care for
juveniles.

(4)~~(6)~~ Each county that is not a fiscally constrained



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county and that does not provide its own detention care for juveniles ~~has taken the action fulfilling the intent of this section as described in subsection (2)~~ shall incorporate into its annual county budget sufficient funds to pay its annual percentage share of the total shared detention costs required by subsection (2) ~~(4)~~.

Section 6. For the purpose of incorporating the amendment made by this act to section 985.101, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 960.001, Florida Statutes, is reenacted to read:

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

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

(b) *Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.*—In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s.



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25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:

- a. The name, address, and phone number of the victim; or
- b. The name, address, and phone number of the appropriate next of kin of the victim; or
- c. The name, address, and telephone number of a designated contact other than the victim or appropriate next of kin of the victim; and
- d. Any relevant identification or case numbers assigned to the case.

3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other



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designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the



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jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.

Section 7. For the purpose of incorporating the amendment made by this act to section 985.101, Florida Statutes, in a reference thereto, subsection (2) of section 985.439, Florida Statutes, is reenacted to read:

985.439 Violation of probation or postcommitment probation.—

(2) A child taken into custody under s. 985.101 for violating the conditions of probation shall be screened and detained or released based on his or her risk assessment instrument score.

Section 8. For the purpose of incorporating the amendment made by this act to section 985.435, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.565, Florida Statutes, is reenacted to read:

985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(b) *Juvenile sanctions*.—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a



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delinquent act. Adjudication of delinquency may not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days before discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition under ss. 985.435, 985.437, 985.439, 985.441, 985.45, and 985.455 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.



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It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.

Section 9. This act shall take effect July 1, 2021.

===== 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 juvenile justice; amending s.
20.316, F.S.; creating the Accountability and Program
Support Program within the Department of Juvenile
Justice and revising the name of an existing program;
amending s. 985.101, F.S.; authorizing a court to
order that a child be taken into custody for failure
to appear; requiring a court to consider specified
information before it issues such an order; amending
s. 985.435, F.S.; requiring each judicial circuit to
develop, in consultation with specified persons and
entities, a written plan specifying the alternative
consequence component which must be based upon certain
principles; providing that the alternative consequence
component is designed to provide swift and appropriate
consequences or incentives to a child who is alleged
to be noncompliant with or in violation of probation;
repealing s. 985.686, F.S., relating to the shared



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county and state financial support responsibility for juvenile detention; amending s. 985.6865, F.S.; deleting provisions relating to legislative findings and intent; requiring the Department of Juvenile Justice to calculate annually by a certain date and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share of detention costs; requiring each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles to incorporate into its annual county budget sufficient funds to pay its annual percentage share of detention costs; reenacting ss. 960.001(1)(b) and 985.439(2), F.S., relating to guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems and violation of probation or postcommitment probation, respectively, to incorporate the amendment made to s. 985.101, F.S., in references thereto; reenacting s. 985.565(4)(b), F.S., relating to sentencing alternatives, to incorporate the amendment made to s. 985.435, F.S., in a reference thereto; providing an effective date.

By Senator Brandes

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1 A bill to be entitled
 2 An act relating to juvenile justice; amending s.
 3 20.316, F.S.; creating the Accountability and Program
 4 Support Program within the Department of Juvenile
 5 Justice and revising the name of an existing program;
 6 amending s. 985.255, F.S.; authorizing a child to be
 7 placed in secure detention on a judicial order if the
 8 child has willfully failed to appear after proper
 9 notice; requiring that, before issuing an order to
 10 take a child into custody, a court make certain
 11 determinations based on information obtained from the
 12 department regarding the child's failure to appear;
 13 authorizing the holding of certain children in secure
 14 detention for up to a specified period of time;
 15 specifying that children may be held in secure
 16 detention for up to 72 hours immediately before the
 17 next scheduled court hearing; amending s. 985.439,
 18 F.S.; requiring each judicial circuit to develop a
 19 specified plan in consultation with certain parties;
 20 providing information upon which the plan must be
 21 based; repealing s. 985.686, F.S., relating to the
 22 shared county and state financial support
 23 responsibility for juvenile detention; amending s.
 24 985.6865, F.S.; deleting provisions relating to
 25 legislative findings and intent; requiring the
 26 Department of Juvenile Justice to calculate annually
 27 by a certain date and provide to each county that is
 28 not a fiscally constrained county and that does not
 29 provide its own detention care for juveniles its

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

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30 annual percentage share of detention costs; requiring
 31 each county that is not a fiscally constrained county
 32 and that does not provide its own detention care for
 33 juveniles to incorporate into its annual county budget
 34 sufficient funds to pay its annual percentage share of
 35 detention costs; amending ss. 985.245, 985.25, 985.26,
 36 and 985.35, F.S.; conforming cross-references;
 37 providing an effective date.

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Upon the expiration and reversion of the
 42 amendment made to section 20.316, Florida Statutes, pursuant to
 43 section 65 of chapter 2020-114, Laws of Florida, subsections (2)
 44 and (3) of section 20.316, Florida Statutes, are amended to
 45 read:

46 20.316 Department of Juvenile Justice.—There is created a
 47 Department of Juvenile Justice.

48 (2) DEPARTMENT PROGRAMS.—The following programs are
 49 established within the Department of Juvenile Justice:

50 (a) Accountability and Program Support.

51 (d)-(a) Prevention and Victim Services.

52 (c)-(b) Intake and Detention.

53 (f)-(e) Residential and Correctional Facilities.

54 (e)-(d) Probation and Community Corrections.

55 (b)-(c) Administration.

56
 57 The secretary may establish assistant secretary positions and a
 58 chief of staff position as necessary to administer the

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requirements of this section.

(3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department shall plan and administer its programs through a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the Prevention and Victim Services Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement.

Section 2. Present subsections (1), (2), and (3) of section 985.255, Florida Statutes, are redesignated as subsections (2), (3), and (4), respectively, a new subsection (1) is added to that section, and paragraph (e) of present subsection (1) and paragraph (a) of present subsection (3) are amended, to read:

985.255 Detention criteria; detention hearing.—

(1) A child may be placed and held for up to 24 hours in secure detention pending a detention hearing upon a judicial order for failure to appear if the child has willfully failed to

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appear after proper notice. Before the court issues an order to take such a child into custody, it must obtain sufficient information from the department to make a preliminary determination that the failure was willful and was not merely due to the unavailability of transportation or to circumstances beyond the child's control.

(2) (1) Subject to s. 985.25(1), a child taken into custody and placed into detention care shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order a continued detention status if:

(e) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice:

1. For an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument; or

2. At two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument.

A child who meets the requirements of this paragraph may be held in secure detention for up to 72 hours immediately before ~~in advance of~~ the next scheduled court hearing ~~pursuant to this paragraph~~. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(4) (a) (3) (a) The purpose of the detention hearing required under subsection (2) ~~(1)~~ is to determine the existence of

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probable cause that the child has committed the delinquent act or violation of law that he or she is charged with and the need for continued detention. The court shall use the results of the risk assessment performed by the department and, based on the criteria in subsection (2) ~~(1)~~, shall determine the need for continued detention. If the child is a prolific juvenile offender who is detained under s. 985.26(2)(c), the court shall use the results of the risk assessment performed by the department and the criteria in subsection (2) ~~(1)~~ or subsection (3) ~~(2)~~ only to determine whether the prolific juvenile offender should be held in secure detention.

Section 3. Subsection (1) of section 985.439, Florida Statutes, is amended to read:

985.439 Violation of probation or postcommitment probation.—

(1)(a) This section is applicable when the court has jurisdiction over a child on probation or postcommitment probation, regardless of adjudication.

(b) If the conditions of the probation program or the postcommitment probation program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. A child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought.

(c) Each judicial circuit shall develop a written plan, in consultation with judges, the state attorney, the public defender, the relevant law enforcement agency, and the department, which describes a methodology for determining the appropriate sanction or incentive if a child under supervision

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violates a condition of his or her probation which does not involve a new law violation. These plans must be based upon the principle that sanctions must reflect the seriousness of the violation, the assessed criminogenic needs and risks of the child, the child's age and maturity level, and how effective the sanction or incentive will be in moving the child to compliant behavior.

Section 4. Section 985.686, Florida Statutes, is repealed.

Section 5. Subsections (1) through (6) of section 985.6865, Florida Statutes, are amended to read:

985.6865 Juvenile detention.—

~~(1) The Legislature finds that various counties and the Department of Juvenile Justice have engaged in a multitude of legal proceedings regarding detention cost sharing for juveniles. Such litigation has largely focused on how the Department of Juvenile Justice calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Additionally, litigation pending in 2016 is a financial burden on the taxpayers of this state.~~

~~(2) It is the intent of the Legislature that all counties that are not fiscally constrained counties and that have pending administrative or judicial claims or challenges file a notice of voluntary dismissal with prejudice to dismiss all actions pending on or before February 1, 2016, against the state or any state agency related to juvenile detention cost sharing. Furthermore, all counties that are not fiscally constrained shall execute a release and waiver of any existing or future claims and actions arising from detention cost share prior to~~

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~~the 2016-2017 fiscal year. The department may not seek reimbursement from counties complying with this subsection for any underpayment for any cost-sharing requirements before the 2016-2017 fiscal year.~~

~~(1)(3)~~ As used in this section, the term:

(a) "Detention care" means secure detention and respite beds for juveniles charged with a domestic violence crime.

(b) "Fiscally constrained county" means a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

(c) "Total shared detention costs" means the amount of funds expended by the department for the costs of detention care for the prior fiscal year. This amount includes the most recent actual certify forward amounts minus any funds it expends on detention care for juveniles residing in fiscally constrained counties or out of state.

~~(2)(4) Notwithstanding s. 985.686, for the 2017-2018 fiscal year, and each fiscal year thereafter, each county that is not a fiscally constrained county and that has taken the action fulfilling the intent of this section as described in subsection (2) shall pay its annual percentage share of 50 percent of the total shared detention costs. By Annually by July 15, 2017, and each year thereafter,~~ the department shall calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share by dividing the total number of

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detention days for juveniles residing in the county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. The annual percentage share of each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles must be multiplied by 50 percent of the total shared detention costs to determine that county's share of detention costs. Beginning August 1, each such county shall pay to the department its share of detention costs, which shall be paid in 12 equal payments due on the first day of each month. The state shall pay the remaining actual costs of detention care.

~~(3)(5)~~ The state shall pay all costs of detention care for juveniles residing in a fiscally constrained county and for juveniles residing out of state. The state shall pay all costs of detention care for juveniles housed in state detention centers from counties that provide their own detention care for juveniles.

~~(4)(6)~~ Each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles ~~has taken the action fulfilling the intent of this section as described in subsection (2)~~ shall incorporate into its annual county budget sufficient funds to pay its annual percentage share of the total shared detention costs required by subsection ~~(2)~~ (4).

Section 6. Subsection (1) of section 985.245, Florida Statutes, is amended to read:

985.245 Risk assessment instrument.—

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(1) All determinations and court orders regarding placement of a child into detention care shall comply with all requirements and criteria provided in this part and shall be based on a risk assessment of the child, unless the child is placed into detention care as provided in s. 985.255(3) ~~or 985.255(2)~~.

Section 7. Subsection (1) of section 985.25, Florida Statutes, is amended to read:

985.25 Detention intake.—

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(a) During the period of time from the taking of the child into custody to the date of the detention hearing, the initial decision as to the child's placement into detention care shall be made by the department under ss. 985.24 and 985.245(1).

(b) The department shall base the decision whether to place the child into detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department under s. 985.245, except that a child shall be placed in secure detention care until the child's detention hearing if the child meets the criteria specified in s. 985.255(2)(f) ~~or 985.255(1)(f)~~ or is charged with possessing or discharging a firearm on school property in violation of s. 790.115.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the

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department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release.

(d) If the final score on the risk assessment instrument indicates detention is not appropriate, the child may be released by the department in accordance with ss. 985.115 and 985.13.

Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 8. Paragraphs (c) and (d) of subsection (2) of section 985.26, Florida Statutes, are amended to read:

985.26 Length of detention.—

(2)

(c) A prolific juvenile offender under s. 985.255(2)(f) ~~or 985.255(1)(f)~~ shall be placed on supervised release detention care with electronic monitoring or in secure detention care under a special detention order until disposition. If secure detention care is ordered by the court, it must be authorized under this part and may not exceed:

1. Twenty-one days unless an adjudicatory hearing for the case has been commenced in good faith by the court or the period is extended by the court pursuant to paragraph (b); or

2. Fifteen days after the entry of an order of adjudication.

As used in this paragraph, the term "disposition" means a

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declination to file under s. 985.15(1)(h), the entry of nolle
prosequi for the charges, the filing of an indictment under s.
985.56 or an information under s. 985.557, a dismissal of the
case, or an order of final disposition by the court.

(d) A prolific juvenile offender under s. 985.255(2)(f) ~~s. 985.255(1)(f)~~ who is taken into custody for a violation of the
conditions of his or her supervised release detention must be
held in secure detention until a detention hearing is held.

Section 9. Subsection (1) of section 985.35, Florida
Statutes, is amended to read:

985.35 Adjudicatory hearings; withheld adjudications;
orders of adjudication.—

(1)(a) Except as provided in paragraph (b), the
adjudicatory hearing must be held as soon as practicable after
the petition alleging that a child has committed a delinquent
act or violation of law is filed and in accordance with the
Florida Rules of Juvenile Procedure; but reasonable delay for
the purpose of investigation, discovery, or procuring counsel or
witnesses shall be granted. If the child is being detained, the
time limitations in s. 985.26(2) and (3) apply.

(b) If the child is a prolific juvenile offender under s.
985.255(2)(f) ~~s. 985.255(1)(f)~~, the adjudicatory hearing must be
held within 45 days after the child is taken into custody unless
a delay is requested by the child.

Section 10. This act shall take effect July 1, 2021.



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Juvenile Justice

BILL INFORMATION

BILL NUMBER:	SB 1166
BILL TITLE:	Juvenile Justice
BILL SPONSOR:	Brandes
EFFECTIVE DATE:	7/1/2021

COMMITTEES OF REFERENCE

1) Criminal Justice
2) Appropriations Sub. on Criminal & Civil Justice
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Criminal Justice

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	SB 1144
SPONSOR:	Senator Brandes
YEAR:	2020
LAST ACTION:	Died in committee

IDENTICAL BILLS

BILL NUMBER:	HB 885
SPONSOR:	Representative Plasencia

Is this bill part of an agency package?

Yes, Department of Juvenile Justice

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	2/22/2021
LEAD AGENCY ANALYST:	Sam Kerce, Deputy Legislative Affairs Director, 850-717-2717
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	John Mila, Asst. General Counsel
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Creates in statute the Accountability and Program Support program within the Department of Juvenile Justice (DJJ or department) and revises the name of an existing program. The bill makes changes to the process of issuing a court order in which a youth may be held in secure detention for a failure to appear. This bill also requires circuits to develop plans to address technical violations of probation. The bill deletes outdated language related to detention cost share and clarifies current detention cost share practices.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Department of Juvenile Justice Programs in statute

Currently there is no specified program in statute that focuses on the department's contracting and program oversight efforts. In addition, Prevention Services no longer provides victim services. For FY 2020-21, the implementing bill for the General Appropriations Act created a program of Accountability and Program Support and changed the name of the Prevention and Victim Services program to Prevention Services. With this change, the Secretary was able to appoint an Assistant Secretary to oversee the Accountability and Program Support program. In consolidating the agency's oversight and monitoring efforts, the department is able to more effectively manage the nearly 200 private contracts that carry out much of the department's mission. However, the implementing bill is only effective for one year and a permanent change is needed in statute.

Alternatives to Secure Detention for Failures to Appear (FTA)

Court ordered mandates for secure detention often occur because the courts are not aware of, or do not consider, the reasons that led the youth to FTA or alternatives for resolving FTAs other than secure detention. This has led to low-risk youth being held in secure detention without consideration of factors such as whether the youth was properly notified, the seriousness of the underlying offense, or whether they had proper transportation.

Responses to Violations of Probation (VOP)

When youth are put on probation, they are given terms to follow. VOPs that are not new law violations are considered technical VOPs. Examples of technical VOPs include missing classes at school or missing curfew. When responding to these violations, some juvenile probation officers (JPOs) are able to use an Effective Response Matrix to ensure the most appropriate responses are considered prior to a formal violation being filed. This can include increased community supervision, community service, truancy court and other rehabilitative alternatives. In some areas of the state, courts have not developed and approved use of an Effective Response Matrix to address technical violations. In these areas, law enforcement or the JPO may be required to submit a formal violation of probation notification resulting in the youth being re-arrested and held in secure detention prior to a formal court hearing.

Detention Cost Share Language

In 2016, the legislature passed SB 1322 which created section 985.6585, Florida Statutes, relating to payment for the cost of juvenile detention care that is provided by the Department of Juvenile Justice. All counties have a clear payment method, but obsolete detention cost share language in s. 985.686, F.S., remains in statute.

2. EFFECT OF THE BILL:

Section 1:

Creation of Accountability and Program Support Program in statute

Amends s. 20.316(2), F.S., to create a DJJ program of Accountability and Program Support and rename Prevention and Victim Services to Prevention Services. This program will place a greater focus on the management of programs operated and contracted by the department. The department's Prevention and Victim Services Program has not had a

victim services division in many years and is solely focused on prevention efforts. Victim services are now often administered by the State Attorney's Office in each circuit.

Section 2:

Alternatives to Secure Detention for Failures to Appear (FTA):

Amends s. 985.255, F.S., to require that courts consider information provided by the department regarding a youth's FTA before issuing an order to take the youth into custody. The information must include whether the child's failure to appear was due to the child not having transportation to the hearing and whether the child's failure to appear was caused by circumstances beyond the child's control.

Research shows that when youth receive optimal placement and sanctions that match the seriousness of their offense, they are less likely to recidivate. This promotes better public safety and savings of taxpayer dollars.

Alternatives to having a youth arrested and placed in secure detention for a FTA could include:

1. Court reset: the department will contact the youth and parents/guardians to advise of the new court date and address any barriers to court appearance,
2. Notice and Release Order: an order is issued for the youth to be taken into custody by law enforcement and transported to the department where they receive a new notice to appear and are released.
3. Order to Place According to Score: an order is issued for the youth to be taken into custody by law enforcement, screened, and placed according to the results of the DRAI screening.

Section 3:

Effective Responses to Violations of Probation (VOP)

Amends s. 985.439(1), F.S., to require circuits to develop written plans in consultation with judges, the state attorney, the public defender, the relevant law enforcement agency, and the department, that would describe a methodology for determining the appropriate sanction or incentive when youth under supervision violate a condition of their probation that is not a new law violation. This methodology must be based upon the principle that sanctions should reflect the seriousness of the violation, the assessed criminogenic needs and risks of the youth, the youth's age and maturity level, and how effective the sanction or incentive will be in moving the youth to compliant behavior.

Minimizing the number of technical violations of supervision filed with the court and reducing the number of youth admitted to secure detention on technical violations is department policy and required by Probation Administrative Rule chapter 63D-13, F.A.C. Research shows that sanctions should reflect the seriousness of the violation and how effective that sanction will be in moving the youth to compliant behavior. Violations that are not new law violations, such as truancy or missing curfew, may not rise to the level necessary to violate the youth on the terms of their court ordered probation or hold them in secure detention.

Sections 4-9:

Detention Cost Share Language Clean-Up

The bill would remove outdated Detention Cost Share language in s. 985.686, F.S. Every county except Seminole and Polk currently operate under a new section, s. 985.6865, F.S., therefore s. 985.686, F. S., is obsolete and outdated. Further language is added in s. 985.6865, F.S., to solidify and clarify current practice, that counties who operate their own detention centers for juveniles (Seminole and Polk) are excluded from detention cost share.

Section 10:

Provides for an effective date of July 1, 2021.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
------------------	----------------------------------

Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Florida Department of Juvenile Justice.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.	
Date Due:	Click or tap here to enter text.	
Bill Section Number(s):	Click or tap here to enter text.	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☒ N ☐

Revenues:	Click or tap here to enter text.
Expenditures:	Indeterminate Cost Savings. In accordance with Detention Cost Share, counties who are not fiscally constrained and do not provide their own detention care must pay for half of detention care cost. The bill will likely decrease the number of youth held in secure detention for FTAs and VOPs, therefore providing a cost savings for the state and the counties.

Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☒ N ☐

Revenues:	Click or tap here to enter text.
Expenditures:	Indeterminate Cost Savings. The bill will likely decrease the number of youth held in secure detention for FTAs and VOPs, therefore providing a cost savings for the state and the counties.
Does the legislation contain a State Government appropriation?	Click or tap here to enter text.
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	Click or tap here to enter text.
---------------------------	----------------------------------

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21
Meeting Date

SB 1166
Bill Number (if applicable)
374274
Amendment Barcode (if applicable)

Topic SB 1166

Name Sam Kerce

Job Title Deputy Legislative Affairs Director

Address 2737 Centerville Dr. Phone 850-~~63~~717-2717

Street

TLH

City

FL

State

32308

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Department of Juvenile Justice

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21

Meeting Date

1166

Bill Number (if applicable)

Topic SB1166

Amendment Barcode (if applicable)

Name Sam Kerce

Job Title Deputy Leg. Affairs Director

Address 2737 Centerview Dr

Phone 850-717-2717

Street

TLH

FL

32308

City

State

Zip

Email Sam.Kerce@djj.state.fl

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing DJS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21
Meeting Date

SB 1166
Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Christian Minor

Job Title Executive Director

Address 1300 N. Adams St.
Street

Phone (321) 223-4232

Tallahassee FL 32303
City State Zip

Email cmminor@fjja.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Juvenile Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

11666
Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Karen Roberts

Job Title _____

Address 935 S University Ave

Phone 727 3166-4080

Street

City

State

Zip

Email act97@psa@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

3/9/21
Meeting Date

SB1166
Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Denise Rock

Job Title Executive Director

Address PO Box 211174
Street

Phone 561-855-0833

West Palm Beach FL 33421
City State Zip

Email denise@floridacarescharity.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Cares

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

1166
1116

Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

1166
Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Karen Roberts

Job Title _____

Address 935 E University Ave
Street

Phone 727 366-4080

Orange City FL 32763
City State Zip

Email urf87epu@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1192

INTRODUCER: Criminal Justice Committee and Senator Powell

SUBJECT: Mental Illness Training for Law Enforcement Officers

DATE: March 10, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Jones	CJ	Fav/CS
2. _____	_____	ACJ	_____
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1192 requires the Florida Department of Law Enforcement (FDLE) to establish a continued employment training component relating to mental illness. The bill provides a non-exclusive list of subject matter to be included in the training component and specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

The FDLE estimates that the bill will cost the department \$10,267 for course development and implementation, and indicates that this can be accomplished with existing resources.

The bill takes effect July 1, 2022.

II. Present Situation:

Continued Employment Training

The FDLE describes the required instruction for continued employment or appointment as a law enforcement officer.

To maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires officers, as a condition of continued employment or appointment, to receive continuing training or

education at the rate of 40 hours every 4 years. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC) through the Automated Training Management System (ATMS).¹

Mental Illness Training for Law Enforcement Agencies

According to the National Alliance on Mental Illness (NAMI), “[t]he lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises.”² “Many agencies have determined that because all their officers respond to mental health calls, they need to have the specialized training, knowledge, and skills to respond appropriately.”³

To address this training need, some law enforcement agencies have engaged in Crisis Intervention Team (CIT) Training, which is a training curriculum that “emphasizes understanding of mental illness and incorporates the development of communication skills, practical experience and role-playing. Officers are introduced to mental health professionals, consumers and family members both in the classroom and through site visits.”⁴

Mental illness training may also occur during recruit academy training, in-service training, and roll-call training. The U.S. Department of Justice (DOJ) asserts that “[r]ecruit academy training is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis. Recruit academy training must exist alongside a more comprehensive and robust program to be effective.”⁵ Further, DOJ states that “[i]n-service and roll-call training provide law enforcement agencies with the opportunities to convey new policies and tactics to officers, to refresh knowledge, and to reinforce skills learned in previous recruit or specialized training courses.”⁶

¹ 2021 FDLE Legislative Bill Analysis (SB 1192) (Feb. 25, 2021) (on file with the Senate Committee on Criminal Justice).

² *Crisis Intervention Team (CIT) Programs*, National Alliance on Mental Illness, available at [https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs) (last visited March 3, 2021).

³ *Training/Police-Mental Health Collaboration (PMHC) Toolkit*, U.S. Department of Justice, available at <https://bja.ojp.gov/program/pmhc/training#:~:text=Mental%20Health%20First%20Aid%20for%20Public%20Safety%20is%20an%20eight,effective%20response%20options%20to%20deescalate> (last visited March 3, 2021).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* However, the DOJ also asserts that roll-call training, like recruit academy training, “is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis.” *Id.*

The FDLE states that “[c]urrently, post-basic mental illness training is covered by a “Crisis Intervention for School Resource Officers (SROs) course. However, because this course is primarily taken by SROs, many officers do not receive this training.”⁷ Additionally, according to the FDLE, accreditation standards for those law enforcement agencies that are accredited require annual mental illness training.

Law enforcement agencies accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) must comply with an accreditation standard that requires agencies to have annual training for their law enforcement officers and other agency personnel who may come into contact with the public in dealing with individuals who suffer from mental illness (CALEA standard 41.2.7). The standard further directs that the training should be developed in collaboration with mental health professionals and should include access to the court system and applicable case law. The standard indicates that alternatives to arrest, such as citations, summonses, referrals, informal resolutions and warnings, should be considered to ensure the best treatment options are used and to keep those with mental health issues out of the criminal justice system. The training is to be reviewed and updated annually. Currently 43 state and local law enforcement agencies in Florida are accredited through CALEA.⁸

III. Effect of Proposed Changes:

The bill creates s. 943.17161, F.S., which requires the FDLE to establish a continued employment training component relating to mental illness.

The bill defines “mental illness” as:

an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living.⁹

The bill specifies that the training component must include, but need not be limited to, instruction on the recognition of the symptoms or characteristics of an individual with a mental illness and appropriate responses to an individual exhibiting such symptoms or characteristics. The bill also specifies that completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect July 1, 2022.

⁷ 2021 FDLE Legislative Bill Analysis (SB 1192), *supra*.

⁸ *Id.*

⁹ The bill essentially mirrors the definition of “mental illness” in s. 394.455(29), F.S., without the exclusions in that definition.

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 identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the FDLE, “[t]he bill would require workshops with subject matter experts and staff time and salary. The estimated cost of the course development and implementation is \$10,267 and can be accomplished with existing resources.”¹⁰

The FDLE provided the following breakdown of the cost of course development and implementation:

Analysis

- \$744 for 40 hours to identify subject matter experts (SMEs)
- \$744 for 40 hours to research existing material
- \$1,488 for 80 hours involving SME workshop - instructional analysis

¹⁰ *Id.*

Design/Development

- \$5,208 for 280 hours to develop course content

Review/Revisions

- \$1,488 for 80 hours

Implementation

- \$ 595 for 32 hours involving course edit

Total cost: \$10,267¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.17161 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 9, 2021:

The committee substitute provides a definition of “mental illness” and changes the effective date of the bill from October 1, 2021, to July 1, 2022.

- B. **Amendments:**

None.

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

¹¹ *Id.*



577460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 21 - 30
and insert:
training component relating to mental illness. For purposes of
this section, the term "mental illness" means an impairment of
the mental or emotional processes that exercise conscious
control of one's actions or of the ability to perceive or
understand reality, which impairment substantially interferes
with the person's ability to meet the ordinary demands of



577460

11 living. The training component must include, but need not be
12 limited to, instruction on the recognition of the symptoms or
13 characteristics of an individual with a mental illness and
14 appropriate responses to an individual exhibiting such symptoms
15 or characteristics. Completion of the training component may
16 count toward the 40 hours of instruction for continued
17 employment or appointment as a law enforcement officer required
18 under s. 943.135.

19 Section 2. This act shall take effect July 1, 2022.
20

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

22 And the title is amended as follows:

23 Delete line 6

24 and insert:

25 relating to mental illness; defining the term "mental
26 illness"; requiring that the
27

By Senator Powell

30-01191-21

20211192__

1 A bill to be entitled
 2 An act relating to mental illness training for law
 3 enforcement officers; creating s. 943.17161, F.S.;
 4 requiring the Department of Law Enforcement to
 5 establish a continued employment training component
 6 relating to mental illness; requiring that the
 7 training component include instruction on the
 8 recognition of and appropriate responses to
 9 individuals exhibiting certain symptoms or
 10 characteristics; authorizing completion of the
 11 training to count toward continued employment or
 12 appointment instruction requirements; providing an
 13 effective date.

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

17 Section 1. Section 943.17161, Florida Statutes, is created
 18 to read:

19 943.17161 Continued employment training relating to mental
 20 illness.—The department shall establish a continued employment
 21 training component relating to mental illness as defined in s.
 22 394.455. The training component must include, but need not be
 23 limited to, instruction on the recognition of the symptoms or
 24 characteristics of an individual with a mental illness and
 25 appropriate responses to an individual exhibiting such symptoms
 26 or characteristics. Completion of the training component may
 27 count toward the 40 hours of instruction for continued
 28 employment or appointment as a law enforcement officer required
 29 under s. 943.135.

Page 1 of 2

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

30-01191-21

20211192__

30 Section 2. This act shall take effect October 1, 2021.

Page 2 of 2

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



2021 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION	
BILL NUMBER:	SB 1192
BILL TITLE:	Mental Illness Training for Law Enforcement Officers
BILL SPONSOR:	Representative Powell
EFFECTIVE DATE:	October 1, 2021

COMMITTEES OF REFERENCE
1) Criminal Justice
2) Appropriations Subcommittee on Criminal and Civil Justice
3) Appropriations
4)
5)

PREVIOUS LEGISLATION	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE
Criminal Justice

SIMILAR BILLS	
BILL NUMBER:	HB 879
SPONSOR:	Representative Hunschofky

IDENTICAL BILLS	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	February 25, 2021
LEAD AGENCY ANALYST:	Dean Register
ADDITIONAL ANALYST(S):	Ashley Pennington, Becky Bezemek
LEGAL ANALYST:	Jim Martin, Chris Bufano
FISCAL ANALYST:	Cynthia Barr

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Requires FDLE to establish a continued employment training component relating to mental illness and specifies instruction to be included. The bill provides that completion of training may count toward continued employment or appointment instruction requirements.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION: Under 943.17, FS, the Commission, “shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(a) Design, implement, maintain, evaluate, revise, or adopt a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.”

To maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, FS. This statute requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every 4 years. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC) through the Automated Training Management System (ATMS).

Law enforcement agencies accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA) must comply with an accreditation standard that requires agencies to have annual training for their law enforcement officers and other agency personnel who may come into contact with the public in dealing with individuals who suffer from mental illness (CALEA standard 41.2.7). The standard further directs that the training should be developed in collaboration with mental health professionals and should include access to the court system and applicable case law. The standard indicates that alternatives to arrest, such as citations, summonses, referrals, informal resolutions and warnings, should be considered to ensure the best treatment options are used and to keep those with mental health issues out of the criminal justice system. The training is to be reviewed and updated annually. Currently 43 state and local law enforcement agencies in Florida are accredited through CALEA.

2. EFFECT OF THE BILL: Creates s. 943.17161, FS, to require continued employment training relating to mental illness for law enforcement officers. Currently, post-basic mental illness training is covered the CJSTC’s Crisis Intervention for School Resource Officers (SROs) course. However, because this course is primarily taken by SROs, many officers do not receive this training.

To meet the requirements of this bill, a post-basic course focused solely on mental illness would need to be developed and approved by CJSTC. Associated costs for the development of the post-basic course have been identified in the Additional Comments section.

Traditionally, training assumes officers will encounter a broad range of potential causes and co-occurring causes. This requires a quick initial assessment of what they’re dealing with so they can choose the best response and means officers must look for substance abuse, emotion triggers, traumatic brain injury, mental illness, etc.

This bill limits the scope by choosing the definition of mental illness in s. 394.455(29) FS. That definition specifically limits training on responding to people with developmental disability, intoxication or dementia, traumatic brain injury, antisocial behavior or substance abuse. However, if the bill had a slightly broader definition of mental illness, this could be included in a Crisis Intervention Training course, which would capture the intent of the bill and be more effective than a course based on the narrower definition defined in the bill.

The bill has an effective date of October 1, 2021. However, that is not enough time to host workshops, compile research, develop the course and receive approval from the CJSTC. FDLE recommends an effective date change of July 1, 2022.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES? Y ☐ N ☒

If yes, explain:	
What is the expected impact to the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number:	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒**

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	

If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	
---	--

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	
Expenditures:	The bill would require workshops with subject matter experts and staff time and salary. The estimated cost of the course development and implementation is \$10,267 and can be accomplished with existing resources (see Additional Comments).
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	
--	--

FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☐

If yes, describe the anticipated impact including any fiscal impact.	
--	--

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	
--	--

ADDITIONAL COMMENTS

- FDLE recommends an effective date change of July 1, 2022.
- Creating a CJSTC post-basic mandatory retraining course to include instruction on mental illness would include the following costs:

Tasks	Hours	Cost
Analysis		
Identify SMEs	40	\$ 744
Research existing material	40	\$ 744
SME Workshop—Instructional Analysis	80	\$ 1,488
Design/Development		
Develop course content	280	\$ 5,208
Review/Revisions	80	\$ 1,488
Implementation		
Course edit	32	\$ 595
Total cost		\$ 10,267

From: Smith, Bobbie <BobbieSmith@fdle.state.fl.us>
Sent: Tuesday, March 2, 2021 9:11 AM
To: Erickson, Mike <ERICKSON.MIKE@flsenate.gov>
Cc: Jones, Lauren <JONES.LAUREN@flsenate.gov>; Draa, Ronald <RonaldDraa@fdle.state.fl.us>
Subject: RE: Time-Sensitive Request: Question regarding FDLE analysis of SB 1192

Mike –

“Would the definition of “mental illness” in s. 394.455(29), F.S., be broad enough to capture intent and enhance course-effectiveness if it included the definition of “mental illness” in s. 394.455(29), F.S., but without the exclusions in that definition?” **Yes. The broader definition without the exclusions will work best.**

From: Erickson, Mike <ERICKSON.MIKE@flsenate.gov>
Sent: Tuesday, March 2, 2021 8:07 AM
To: Draa, Ronald <RonaldDraa@fdle.state.fl.us>; Smith, Bobbie <BobbieSmith@fdle.state.fl.us>
Cc: Jones, Lauren <JONES.LAUREN@flsenate.gov>
Subject: Time-Sensitive Request: Question regarding FDLE analysis of SB 1192

Hi, Ron and Bobbie-

In FDLE’s analysis of SB 1992, the analyst states: “This bill limits the scope by choosing the definition of mental illness in s. 394.455(29), F.S. That definition specifically limits training on responding to people with developmental disability, intoxication or dementia, traumatic brain injury, antisocial behavior or substance abuse. However, if the bill had a slightly broader definition of mental illness, this could be included in a Crisis Intervention Training course, which would capture the intent of the bill and be more effective than a course based on the narrower definition defined in the bill.”

Would the definition of “mental illness” in s. 394.455(29), F.S., be broad enough to capture intent and enhance course-effectiveness if it included the definition of “mental illness” in s. 394.455(29), F.S., but without the exclusions in that definition?

Would a different definition of “mental illness” in the Florida Statutes be broad enough to capture intent and enhance course-effectiveness? To my knowledge, in addition to the definition of “mental illness” in s. 394.455, F.S., there are two statutes that define the term: s. 394.479, F.S., and s. 916.106, F.S. I think we run into the same narrowness issue (exclusions) with the definition in s. 916.106, F.S., that we run into with the definition in s. 394.455(29), F.S. The definition in s. 394.479,

F.S., which relates to the Interstate Compact on Mental Health, appears to be significantly broader.

If neither the definition in s. 394.455(29), F.S. (minus the exclusions in that definition), nor the definition in s. 916.106, F.S., adequately addresses the issue, can you suggest a different definition? Remember, this definition would be only for the purpose of the training requirement and would not have an impact or effect outside of that context.

Thanks for your help.

-Mike

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

CS 3:30

3/9/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

1192

Bill Number (if applicable)

Topic Mental Illness training for law enforcement

Amendment Barcode (if applicable)

Name Russell Meyer

Job Title Executive Director

Address 1308 Windsor Place

Phone 8134215330

Street

jacksonville

fl

32205

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Faith Advocacy Office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/9
Meeting Date

1192
Bill Number (if applicable)

Topic Mental Illness Training

Amendment Barcode (if applicable)

Name Rebecca McMichael

Job Title _____

Address 12705 Ellison Wilson
Street

Phone 1713 818-8947

Juno Beach FL 33408
City State Zip

Email rebecca-mcmichael@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

1192

Bill Number (if applicable)

Topic Mental illness training for law enforcement

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.

Phone 850-321-9386

Street

Tallahassee

FL

32301

Email fcfep@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

1192
Bill Number (if applicable)

Topic Mental Illness Training

Amendment Barcode (if applicable)

Name Karen Roberts

Job Title _____

Address 935 E. University Ave

Phone 727 366-4080

Street

Orange City FL 32763

City

State

Zip

Email wcf87apa@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

1192

Bill Number (if applicable)

Topic Mental Illness Training for Law Enforcement Officers

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

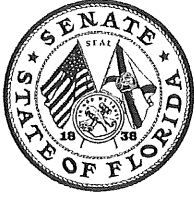
Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Jason Pizzo, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 1, 2021

I respectfully request that **Senate Bill #1192**, relating to Mental Illness Training for Law Enforcement Officers, be placed on the:

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

A handwritten signature in dark ink, appearing to read "Bobby Powell".

Senator Bobby Powell
Florida Senate, District 30

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1234

INTRODUCER: Senator Boyd

SUBJECT: False Reports of Crimes

DATE: March 8, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Jones	CJ	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 1234 provides for greater punishment for willfully making a false report of a crime to a law enforcement officer in the following manner:

- It is a third degree felony if the violation results in a response by a federal, state, district, municipal, or other “public safety agency” (a term defined in the bill) to address the reported crime, and the combined cost incurred by all responding agencies exceeds \$1,000.
- It is a second degree felony if the violation results in great bodily harm, permanent disfigurement, or permanent disability as a proximate result of lawful conduct arising out of a response.
- It is a first degree felony if the violation results in death as a proximate result of lawful conduct arising out of a response.

The bill also ranks these new felonies in the offense severity ranking chart of the Criminal Punishment Code.

The Legislature’s Office of Economic and Demographic Research preliminarily estimates that the bill will have a “positive indeterminate” prison bed impact (an unquantifiable increase in prison beds). See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Swatting

“‘Swatting’ is a form of harassment in which attackers try to trick law enforcement into sending heavily armed strike forces – like S.W.A.T.¹ As false reporting of crimes continues to grow in popularity, it unnecessarily places law enforcement and the public in harm’s way.”² “For some attackers, this is the thrill and the purpose of swatting: to cause the victims to fear for their lives as armed police charge into their homes, often with little warning. The police often believe that they themselves are facing an armed and dangerous adversary, producing a volatile scenario that can result in property destruction, injury, and death.”³

False Reports Concerning the Commission of Any Crime

Section 817.49, F.S., provides that it is a first degree misdemeanor⁴ to willfully impart, convey or cause to be imparted or conveyed to any law enforcement officer false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, in that no such crime had actually been committed.

Examples of Other Statutes Involving False Information or False Reporting

Provided are examples of other statutes involving false information or false reporting:

- Section 39.205(9), F.S., provides that it is a third degree felony⁵ to knowingly and willfully make a false report of child abuse, abandonment, or neglect, or advise another to make a false report.
- Section 365.172(14), F.S., provides, in part, that it is a first degree misdemeanor to use the 911 system for the purpose of making a false alarm or complaint or reporting false information that could result in the emergency response of any public safety agency.⁶
- Section 401.41(3), F.S., provides that it is a second degree misdemeanor⁷ to summon an emergency medical services⁸ vehicle when the person knows or has reason to know the services of the vehicle are not needed.

¹ A “S.W.A.T.” team is a special weapons and tactics team.

² *Senator Boyd Files Legislation to Stop the False Reporting of Crimes* (Press Release) (Feb. 11, 2021), available at <https://www.flsenate.gov/Media/PressReleases/show/3911> (last visited on March 3, 2021).

³ Josh Fruhlinger, *What is swatting? Unleashing armed police against your enemies* (Nov. 25, 2020), CSO (IDG Communications, Inc.), available at <https://www.csoonline.com/article/3573381/what-is-swatting-unleashing-armed-police-against-your-enemies.html> (last visited on March 3, 2021).

⁴ A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

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

⁶ It is a third degree felony if the person has been convicted four times of the unauthorized use of the 911 system and continues to engage in such unauthorized use, or if the value of the service or service charge obtained in violation of s. 365.172(14), F.S., exceeds \$100. Section 365.172(14), F.S.

⁷ A second degree misdemeanor is punishable by up to 60 days in county jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S. A second or subsequent violation is a first degree misdemeanor. Section 401.41(3), F.S.

⁸ Emergency medical services do not appear to include law enforcement services. *See* s. 401.407(3), F.S. (defining “emergency medical services” in regard to emergency medical services grants).

- Section 790.163(1), F.S., provides that it is a second degree felony⁹ to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons.
- Section 790.164(1), F.S., provides that it is a second degree felony to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, concerning any act of arson or other violence to property owned by the state or any political subdivision, or concerning the use of firearms in a violent manner against a person or persons.
- Section 806.101, F.S., provides that it is a first degree misdemeanor¹⁰ for a person, without reasonable cause, by outcry or the ringing of bells, or otherwise, to make or circulate, or cause to be made or circulated, a false alarm of fire.
- Section 837.05(1)(a), F.S., provides that it is a first degree misdemeanor¹¹ to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.¹²
- Section 837.05(2), F.S., provides that it a third degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony.
- Section 837.055(1), F.S., provides that it is a first degree misdemeanor to knowingly and willfully give false information to a law enforcement officer who is conducting a missing person investigation or a felony criminal investigation with the intent to mislead the officer or impede the investigation.
- Section 837.055(2), F.S., provides that it is third degree felony to knowingly and willfully give false information to a law enforcement officer who is conducting a missing person investigation involving a child 16 years of age or younger with the intent to mislead the officer or impede the investigation, and the child who is the subject of the investigation suffers great bodily harm, permanent disability, permanent disfigurement, or death.

⁹ A second degree felony is punishable by up to 15 years in state prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

¹⁰ A second or subsequent conviction is a third degree felony. Section 806.101, F.S.

¹¹ A second or subsequent violation is a third degree felony if the information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by an audio recording or audio recording in a video of that information, a written or recorded statement made by the person who gave that information, or another person who was present when that person gave that information to the officer and heard that information; or the information the person gave to the law enforcement officer was communicated in writing. Section 837.05(1)(b), F.S.

¹² "Perhaps the only difference between the misdemeanor offenses described in section 837.05(1) and section 817.49 is that the latter would appear to permit a conviction for indirectly providing false information to a police officer, while the former might be interpreted as requiring the defendant to directly give the information to the officer." *Boland v. State*, 893 So.2d 683, 685 (Fla. 2d DCA 2005).

Criminal Punishment Code

The Criminal Punishment Code¹³ (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (levels 1-10).¹⁴ Points are assigned and accrue based upon the 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 like a level 7 or 8 drug trafficking offense. The lowest permissible sentence is any nonstate prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.¹⁵ Absent mitigation,¹⁶ the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.¹⁷

III. Effect of Proposed Changes:

The bill amends s. 817.49, F.S., to provide for greater punishment for willfully making a false report of a crime to a law enforcement officer¹⁸ in the following manner:

- It is a third degree felony if the violation results in a response by a federal, state, district, municipal, or other "public safety agency"¹⁹ to address the reported crime, and the combined cost incurred by all responding agencies exceeds \$1,000.

¹³ 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.

¹⁴ Offenses are ranked either in the offense severity level ranking chart in s. 921.0022, F.S., or by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

¹⁵ Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

¹⁶ The court may "mitigate" or "depart downward" from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.

¹⁷ If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

¹⁸ The elements of the offense (with minor modifications in wording made by the bill) are willfully imparting, conveying, or causing to be imparted or conveyed to a law enforcement officer false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has had actually been committed.

¹⁹ The bill defines "public safety agency" as a law enforcement agency, a professional or volunteer fire department, an emergency medical service, an ambulance service, or any other public entity that provides first responder services to respond to crimes, to assist victims of crimes, or to apprehend offenders.

- It is a second degree felony if the violation results in great bodily harm,²⁰ permanent disfigurement, or permanent disability as a proximate result²¹ of lawful conduct arising out of a response.
- It is a first degree felony²² if the violation results in death as a proximate result of lawful conduct arising out of a response.

The bill amends s. 921.0022, F.S., the Code offense severity level ranking chart to rank the new felonies as follows:

- Level 3: Willful making of a false report of a crime which results in costs to responding agencies in excess of \$1,000 (third degree felony).
- Level 6: Willful making of a false report of a crime which results in great bodily harm, permanent disfigurement, or permanent disability (second degree felony).
- Level 8: Willful making of a false report of a crime which results in death (first degree felony).

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁰ The bill does not define the term “great bodily harm” but the term has been construed by courts as “defin[ing] itself and means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises as are likely to be inflicted in a simple assault and battery....” *Owens v. State*, 289 So.2d 472, 474 (Fla. 2d DCA 1974) (quoting *Anderson v. State*, 155 Ind.App. 121, 291 N.E.2d 579 (1973)). “Whether the defendant caused great bodily harm is typically a question of fact for the jury; however, a jury’s finding of great bodily harm must be supported by competent, substantial evidence.” *Gordon v. State*, 126 So.3d 292, 295 (Fla. 3d DCA 2011), review denied, 135 So.3d 290 (Fla. 2014).

²¹ The “proximate result” requirement appears to be comparable to the proximate causation requirement in tort, which also sometimes appears in criminal law. “When a party creates a condition of peril by his wrongful conduct, his actions can be found the proximate cause of the resulting injury, even if later events combined to cause such injury, so long as the later acts reasonably followed in the natural sequence of events.” *Reaves v. State*, 979 So.2d 1066, 1069 (Fla. 1st DCA 2008) (citations omitted), discussing proximate causation in the context of vehicular homicide, an offense for which proximate causation is an essential element.

²² A first degree felony is generally punishable by up to 30 years in state prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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. The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a "positive indeterminate" prison bed impact (an unquantifiable increase in prison beds).²³

The EDR provided the following information relevant to its preliminary estimate:

Per [Florida Department of Law Enforcement], in FY 18-19, there were 178 arrests for making false reports of commission of crimes, with 77 guilty/convicted charges and 37 adjudication withheld charges. There were 124 arrests in FY 19-20, with 59 guilty/convicted and 12 adjudications withheld. It is not known how many of these incidents fell under the bill's amended language.

In FY 18-19, the incarceration rate for a Level 3, 3rd degree felony was 9.8%, and in FY 19-20 the incarceration rate was 8.8%. The incarceration rate for a Level 6, 2nd degree felony was 43.7% in FY 18-19, and in FY 19-20 the incarceration rate was 40.8%. The incarceration rate for a Level 8, 1st degree felony was 69.1% in FY 18-19, and in FY 19-20 the incarceration rate was 61.9%.²⁴

VI. Technical Deficiencies:

None.

²³ The EDR's preliminary estimate is on file with the Senate Committee on Criminal Justice.

²⁴ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 817.49 and 921.0022.

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

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

None.

B. Amendments:

None.

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

By Senator Boyd

21-01287-21

20211234__

A bill to be entitled

An act relating to false reports of crimes; amending s. 817.49, F.S.; providing a definition; providing enhanced criminal penalties for the willful making of false reports of crimes in certain circumstances; amending s. 921.0022, F.S.; ranking offenses created by the act on levels 3, 6, and 8 of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Section 817.49, Florida Statutes, is amended to read:

817.49 False reports of commission of crimes; penalty.—

(1) Except as provided in subsection (2), whoever willfully imparts, conveys, or causes to be imparted or conveyed to a law enforcement officer false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when in ~~that~~ no such crime has ~~had~~ actually been committed, commits ~~shall upon conviction thereof be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) As used in this subsection, the term "public safety agency" means a law enforcement agency, a professional or volunteer fire department, an emergency medical service, an ambulance service, or any other public entity that provides first responder services to respond to crimes, to assist victims

Page 1 of 31

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

21-01287-21

20211234__

of crimes, or to apprehend offenders.

(b) If the willful making of a false report of a crime as set forth in this section results in:

1. A response by a federal, state, district, municipal, or other public safety agency to address the reported crime, and the combined cost incurred by all responding agencies exceeds \$1,000, the person making such report commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Great bodily harm, permanent disfigurement, or permanent disability as a proximate result of lawful conduct arising out of a response, the person making such report commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Death as a proximate result of lawful conduct arising out of a response, the person making such report commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraphs (c), (f), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read: 921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential

Page 2 of 31

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

21-01287-21

20211234__

information from police
reports.

316.066 3rd Unlawfully obtaining or using
(3) (b)-(d) confidential crash reports.

316.193(2) (b) 3rd Felony DUI, 3rd conviction.

316.1935(2) 3rd Fleeing or attempting to elude
law enforcement officer in
patrol vehicle with siren and
lights activated.

319.30(4) 3rd Possession by junkyard of motor
vehicle with identification
number plate removed.

319.33(1) (a) 3rd Alter or forge any certificate
of title to a motor vehicle or
mobile home.

319.33(1) (c) 3rd Procure or pass title on stolen
vehicle.

319.33(4) 3rd With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

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327.35(2) (b) 3rd Felony BUI.

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

376.302(5) 3rd Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

379.2431 3rd Possessing any marine turtle
(1) (e) 6. species or hatchling, or parts
thereof, or the nest of any
marine turtle species described

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in the Marine Turtle Protection Act.

379.2431
(1) (e) 7.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

400.9935(4) (a)
or (b)

3rd

Operating a clinic, or offering services requiring licensure, without a license.

400.9935(4) (e)

3rd

Filing a false license application or other required information or failing to report information.

440.1051(3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

501.001(2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

624.401(4) (a)

3rd

Transacting insurance without a certificate of authority.

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624.401(4) (b) 1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

626.902(1) (a) &
(b)

3rd

Representing an unauthorized insurer.

697.08

3rd

Equity skimming.

790.15(3)

3rd

Person directs another to discharge firearm from a vehicle.

806.10(1)

3rd

Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

806.10(2)

3rd

Interferes with or assaults firefighter in performance of duty.

810.09(2) (c)

3rd

Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

812.014(2) (c) 2.

3rd

Grand theft; \$5,000 or more but

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less than \$10,000.

83 812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

84 812.015(8)(b) 3rd Retail theft with intent to
sell; conspires with others.

85 815.04(5)(b) 2nd Computer offense devised to
defraud or obtain property.

86 817.034(4)(a)3. 3rd Engages in scheme to defraud
(Florida Communications Fraud
Act), property valued at less
than \$20,000.

87 817.233 3rd Burning to defraud insurer.

88 817.234 3rd Unlawful solicitation of
(8)(b) & (c) persons involved in motor
vehicle accidents.

89 817.234(11)(a) 3rd Insurance fraud; property value
less than \$20,000.

90 817.236 3rd Filing a false motor vehicle
insurance application.

91

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817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

92 817.413(2) 3rd Sale of used goods of \$1,000 or
more as new.

93 817.49(2)(b)1. 3rd Willful making of a false
report of a crime which results
in costs to responding agencies
in excess of \$1,000.

94 831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

95 831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

96 838.021(3)(b) 3rd Threatens unlawful harm to
public servant.

97 843.19 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

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98

860.15(3) 3rd Overcharging for repairs and parts.

99

870.01(2) 3rd Riot; inciting or encouraging.

100

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).

101

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.

102

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 facility.

103

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893.13(4)(c)

3rd

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

104

893.13(6)(a)

3rd

Possession of any controlled substance other than felony possession of cannabis.

105

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

106

893.13(7)(a)9.

3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

107

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

108

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

109

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an

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animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

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.

893.13(8)(a)3.

3rd

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

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.

918.13(1)(a)

3rd

Alter, destroy, or conceal
investigation evidence.

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944.47

3rd

Introduce contraband to
correctional facility.

(1)(a)1. & 2.

944.47(1)(c)

2nd

Possess contraband while upon
the grounds of a correctional
institution.

985.721

3rd

Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

(f) LEVEL 6

Florida
Statute

Felony
Degree

Description

316.027(2)(b)

2nd

Leaving the scene of a crash
involving serious bodily
injury.

316.193(2)(b)

3rd

Felony DUI, 4th or subsequent
conviction.

400.9935(4)(c)

2nd

Operating a clinic, or
offering services requiring
licensure, without a license.

499.0051(2)

2nd

Knowing forgery of transaction

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history, transaction
information, or transaction
statement.

124 499.0051(3) 2nd Knowing purchase or receipt of
prescription drug from
unauthorized person.

125 499.0051(4) 2nd Knowing sale or transfer of
prescription drug to
unauthorized person.

126 775.0875(1) 3rd Taking firearm from law
enforcement officer.

127 784.021(1)(a) 3rd Aggravated assault; deadly
weapon without intent to kill.

128 784.021(1)(b) 3rd Aggravated assault; intent to
commit felony.

129 784.041 3rd Felony battery; domestic
battery by strangulation.

130 784.048(3) 3rd Aggravated stalking; credible
threat.

131 784.048(5) 3rd Aggravated stalking of person
under 16.

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132 784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

133 784.074(1)(b) 2nd Aggravated assault on sexually
violent predators facility
staff.

134 784.08(2)(b) 2nd Aggravated assault on a person
65 years of age or older.

135 784.081(2) 2nd Aggravated assault on
specified official or
employee.

136 784.082(2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

137 784.083(2) 2nd Aggravated assault on code
inspector.

138 787.02(2) 3rd False imprisonment;
restraining with purpose other
than those in s. 787.01.

139 790.115(2)(d) 2nd Discharging firearm or weapon
on school property.

140

	21-01287-21		20211234__
141	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	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.
142	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
143	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
144	794.05(1)	2nd	Unlawful sexual activity with specified minor.
145	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.
146			

	21-01287-21		20211234__
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
147	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
148	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
149	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
150	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
151	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
152	812.015(9)(a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
153	812.015(9)(b)	2nd	Retail theft; aggregated

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property stolen within 30 days
is \$3,000 or more;
coordination of others.

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

817.49(2)(b)2. 2nd Willful making of a false
report of a crime which
results in great bodily harm,
permanent disfigurement, or
permanent disability.

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

825.102(3)(c) 3rd Neglect of an elderly person
or disabled adult.

825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

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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.

827.03(2)(c) 3rd Abuse of a child.

827.03(2)(d) 3rd Neglect of a child.

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

836.05 2nd Threats; extortion.

836.10 2nd Written threats to kill, do
bodily injury, or conduct a
mass shooting or an act of
terrorism.

843.12 3rd Aids or assists person to
escape.

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

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847.012 3rd Knowingly using a minor in the
production of materials
harmful to minors.

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

944.35(3)(a)2. 3rd Committing malicious battery
upon or inflicting cruel or
inhuman treatment on an inmate
or offender on community
supervision, resulting in
great bodily harm.

944.40 2nd Escapes.

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or
explosive) into correctional
facility.

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951.22(1)(i) 3rd Firearm or weapon introduced
into county detention
facility.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling

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			or exceeding \$20,000, but less than \$100,000 by money transmitter.	
186	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	
187	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	
188	777.03(2)(a)	1st	Accessory after the fact, capital felony.	
189	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or	

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			unlawfully discharging bomb.	
190	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	
191	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	
192	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	
193	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.	
194	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.	
195	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.	
196	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer	

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or transport of a child from
outside Florida to within the
state.

197

787.06(3)(f)2.

1st

Human trafficking using
coercion for commercial
sexual activity by the
transfer or transport of any
adult from outside Florida to
within the state.

198

790.161(3)

1st

Discharging a destructive
device which results in
bodily harm or property
damage.

199

794.011(5)(a)

1st

Sexual battery; victim 12
years of age or older but
younger than 18 years;
offender 18 years or older;
offender does not use
physical force likely to
cause serious injury.

200

794.011(5)(b)

2nd

Sexual battery; victim and
offender 18 years of age or
older; offender does not use
physical force likely to
cause serious injury.

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201

794.011(5)(c)

2nd

Sexual battery; victim 12
years of age or older;
offender younger than 18
years; offender does not use
physical force likely to
cause injury.

202

794.011(5)(d)

1st

Sexual battery; victim 12
years of age or older;
offender does not use
physical force likely to
cause serious injury; prior
conviction for specified sex
offense.

203

794.08(3)

2nd

Female genital mutilation,
removal of a victim younger
than 18 years of age from
this state.

204

800.04(4)(b)

2nd

Lewd or lascivious battery.

205

800.04(4)(c)

1st

Lewd or lascivious battery;
offender 18 years of age or
older; prior conviction for
specified sex offense.

206

806.01(1)

1st

Maliciously damage dwelling

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or structure by fire or
explosive, believing person
in structure.

207

810.02(2)(a) 1st,PBL Burglary with assault or
battery.

208

810.02(2)(b) 1st,PBL Burglary; armed with
explosives or dangerous
weapon.

209

810.02(2)(c) 1st Burglary of a dwelling or
structure causing structural
damage or \$1,000 or more
property damage.

210

812.014(2)(a)2. 1st Property stolen; cargo valued
at \$50,000 or more, grand
theft in 1st degree.

211

812.13(2)(b) 1st Robbery with a weapon.

212

812.135(2)(c) 1st Home-invasion robbery, no
firearm, deadly weapon, or
other weapon.

213

817.49(2)(b)3. 1st Willful making of a false
report of a crime which
results in death.

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214

817.505(4)(c) 1st Patient brokering; 20 or more
patients.

215

817.535(2)(b) 2nd Filing false lien or other
unauthorized document; second
or subsequent offense.

216

817.535(3)(a) 2nd Filing false lien or other
unauthorized document;
property owner is a public
officer or employee.

217

817.535(4)(a)1. 2nd Filing false lien or other
unauthorized document;
defendant is incarcerated or
under supervision.

218

817.535(5)(a) 2nd Filing false lien or other
unauthorized document; owner
of the property incurs
financial loss as a result of
the false instrument.

219

817.568(6) 2nd Fraudulent use of personal
identification information of
an individual under the age
of 18.

220

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	21-01287-21		20211234__
	817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
221			
	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
222			
	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
223			
	825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
224			
	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
225			
	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
226			
	860.121(2)(c)	1st	Shooting at or throwing any

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			object in path of railroad vehicle resulting in great bodily harm.
227			
	860.16	1st	Aircraft piracy.
228			
	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
229			
	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
230			
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
231			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
232			
	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
233			
	893.135	1st	Trafficking in illegal drugs,

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	(1) (c) 1.b.		more than 14 grams, less than 28 grams.
234	893.135	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
	(1) (c) 2.c.		
235	893.135	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
	(1) (c) 3.c.		
236	893.135	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
	(1) (c) 4.b. (II)		
237	893.135	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
	(1) (d) 1.b.		
238	893.135	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
	(1) (e) 1.b.		
239	893.135	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
	(1) (f) 1.b.		
240	893.135	1st	Trafficking in flunitrazepam, 14 grams or more, less than
	(1) (g) 1.b.		

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			28 grams.
241	893.135	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	(1) (h) 1.b.		
242	893.135	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	(1) (j) 1.b.		
243	893.135	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	(1) (k) 2.b.		
244	893.135	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
	(1) (m) 2.c.		
245	893.135	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
	(1) (n) 2.b.		
246	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
247	895.03(1)	1st	Use or invest proceeds

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derived from pattern of
racketeering activity.

895.03(2)

1st

Acquire or maintain through
racketeering activity any
interest in or control of any
enterprise or real property.

895.03(3)

1st

Conduct or participate in any
enterprise through pattern of
racketeering activity.

896.101(5)(b)

2nd

Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

896.104(4)(a)2.

2nd

Structuring transactions to
evade reporting or
registration requirements,
financial transactions
totaling or exceeding \$20,000
but less than \$100,000.

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

HB 371 – False Reports of Crimes (Similar SB 1234)

This bill amends s. 817.49, F.S., creating multiple felonies for false reports of commission of crimes that result in specific outcomes. A **Level 3, 3rd degree felony** is created for when a willful making of a false report results in “a response by a federal, state, district, municipal, or other public safety agency to address the reported crime and the combined cost incurred by all responding agencies exceeds \$1,000.” A **Level 6, 2nd degree felony** is created for when this act results in “great bodily harm, permanent disfigurement, or permanent disability as a proximate result of lawful conduct arising out of a response.” A **Level 8, 1st degree felony** is created for when this act results in “death as a proximate result of lawful conduct arising out of a response.” All other false reports will remain 1st degree misdemeanors.

Per FDLE, in FY 18-19, there were 178 arrests for making false reports of commission of crimes, with 77 guilty/convicted charges and 37 adjudication withheld charges. There were 124 arrests in FY 19-20, with 59 guilty/convicted and 12 adjudications withheld. It is not known how many of these incidents fell under the bill’s amended language.

In FY 18-19, the incarceration rate for a Level 3, 3rd degree felony was 9.8%, and in FY 19-20 the incarceration rate was 8.8%. The incarceration rate for a Level 6, 2nd degree felony was 43.7% in FY 18-19, and in FY 19-20 the incarceration rate was 40.8%. The incarceration rate for a Level 8, 1st degree felony was 69.1% in FY 18-19, and in FY 19-20 the incarceration rate was 61.9%.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: House & Senate

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

1234

Bill Number (if applicable)

Topic False Reports of Crime

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

SB 1234

Bill Number (if applicable)

Topic False Reports of Crimes

Amendment Barcode (if applicable)

Name Tim Stanfield

Job Title Of Counsel

Address 101 E. College Ave

Phone 850-222-6891

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Tallahassee

FL

32301

Email stanfieldt@gtlaw.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

1234

Bill Number (if applicable)

Topic False Information to Law Enforcement - Swatting

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt for the Florida Police Chiefs Association

Job Title Deputy Executive Director

Address PO Box 14038

Street

Tallahassee

City

FL

State

32317

Zip

Phone 8502193631

Email jpritt@fpca.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

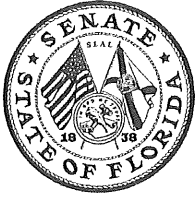
Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Criminal Justice
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JIM BOYD
21st District

February 19, 2021

Senator Jason Pizzo
Committee on Criminal Justice
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Pizzo:

I respectfully request that SB 1234: False Reports of Crimes, be scheduled for a hearing in the Committee on Criminal Justice at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Jim Boyd".

Jim Boyd

cc: Lauren Jones
Sue Arnold

REPLY TO:

- ☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- ☐ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1354

INTRODUCER: Senator Baxley

SUBJECT: Traveling Across County Lines with Intent to Commit a Felony

DATE: March 8, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stokes	Jones	CJ	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 1354 amends s. 843.22, F.S., to include grand theft as a crime that may be reclassified to the next higher degree if the person traveled any distance with the intent to commit the grand theft in a county in this state other than the person's county of residence, if the purpose of the travel was to thwart law enforcement attempts to track the items stolen in the offense.

For purposes of sentencing, a grand theft that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the offense committed.

This bill may have a positive indeterminate prison bed impact. See Section V. Fiscal Impact Statement.

This bill is effective October 1, 2021.

II. Present Situation:

Organized theft is a growing problem across the country. A crime and safety analyst for News4Jax has stated that it is difficult to track down retail theft suspects because "they're always in motion. They're always moving. . . You have to have a defined suspect, basically, have them on surveillance more than once."¹ In 2019, the Florida Department of Law Enforcement (FDLE) agents arrested three individuals suspected of an elaborate scheme stealing thousands from

¹ News4Jax, *Theft ring stole at least \$83K in merchandise from home improvement stores*, Allyson Henning, June 20, 2019, available at [https://www.news4jax.com/news/2019/06/21/theft-ring-stole-at-least-83k-in-merchandise-from-home-improvement-stores/#:~:text=Theft%20ring%20stole%20at%20least%20\\$83K%20in%20merchandise,stores%20between%202017%20and%202019,%20police%20reports%20show](https://www.news4jax.com/news/2019/06/21/theft-ring-stole-at-least-83k-in-merchandise-from-home-improvement-stores/#:~:text=Theft%20ring%20stole%20at%20least%20$83K%20in%20merchandise,stores%20between%202017%20and%202019,%20police%20reports%20show) (last visited March 4, 2021).

retailers across the southeastern U.S., including more than 100 thefts in 23 Florida counties. Grand theft was among the charges filed against at least one of the suspects.²

Traveling Across County Lines

In 2014, as a response to a “wave” of burglaries in Florida, the Legislature enacted laws to reclassify the crime of burglary to a higher degree when the offender traveled to commit the crime. The Sheriff of Martin County in 2013 stated that traditional law enforcement methods, “such as using local pawn shop databases, confidential informants, proactive police patrols, and targeted patrols,” become less effective with these crimes. According to the Sheriff, it is difficult for law enforcement to establish a pattern and track criminals when they travel from their home county to neighboring counties to commit crimes.³

Section 843.22, F.S., provides that if a person who commits a burglary travels any distance with the intent to commit the burglary in a county in this state other than the person’s county of residence, the degree of the burglary is reclassified to the next higher degree if the purpose of the person’s travel is to thwart law enforcement attempts to track the items stolen in the burglary.⁴

County of residence is the county within this state that a person resides. Evidence of a person’s county of residence includes, but is not limited to:

- The address on a person’s driver license or state identification card;
- Records of real property or mobile home ownership;
- Records of a lease agreement for residential property;
- The county in which a person’s motor vehicle is registered;
- The county in which a person is enrolled in an educational institution; and
- The county in which a person is employed.

For purposes of sentencing, a burglary that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the offense committed.⁵

Severity Ranking Chart

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

² News4Jax, *FDLE busts multi-state organized retail theft ring*, Steve Patrick, November 25, 2019, available at <https://www.news4jax.com/news/2019/11/25/fdle-arrests-3-for-multi-state-organized-theft-ring/> (last visited March 4, 2021).

³ WFSU News, *Sheriff Enlists Legislative Help to Crack Down on Growing Problem: ‘Pillowcase Burglars,’* Sascha Corder, December 18, 2013, available at <https://news.wfsu.org/state-news/2013-12-18/sheriff-enlists-legislative-help-to-crack-down-on-growing-problem-pillowcase-burglars> (last visited March 4, 2021).

⁴ Section 843.22(2), F.S.

⁵ Section 843.22(2), F.S.

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

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

Reclassification

Florida currently has various statutes that reclassify criminal offenses under specified circumstances. Generally, criminal laws provide for reclassification to the next highest degree. Examples of criminal offenses that provide for such reclassification include, in part:

- A violation of driving while license suspended is a second degree misdemeanor⁶ for a first offense.⁷ A second or subsequent conviction is reclassified from a second degree misdemeanor to a first degree misdemeanor.⁸ Further, a third or subsequent conviction is reclassified to a third degree felony if the violation or the most recent prior conviction is related to a violation of specified driving offenses.⁹
- A violation of the theft statute under s. 812.014, F.S., for petit theft offenses are reclassified when a person has prior theft convictions.¹⁰ For example, a petit theft where the property is valued at more than \$100, but less than \$750, is a first degree misdemeanor¹¹ but a person who commits petit theft and who previously was convicted two or more times for a theft commits a third degree felony.¹²

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for an offense. The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- Sixty days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- Fifteen years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.¹³

⁶ A second degree misdemeanor is punishable by up to 60 days in county jail and up to a \$500 fine. Sections 775.082 and 775.083, F.S.

⁷ Section 322.34(2)(a), F.S.

⁸ Section 322.34(2)(b), F.S.

⁹ Section 322.34(2)(c), F.S. The enumerated specified offenses include driving under the influence; refusal to submit to a urine, breath-alcohol, or blood alcohol test; a traffic offense causing death or serious bodily injury; or fleeing and eluding.

¹⁰ Sections 812.014(3)(b), and (c), F.S.

¹¹ Section 812.014(2)(e), F.S.

¹² Section 812.04(3)(c), F.S.

¹³ 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.

Grand Theft

Section 812.014, F.S., provides that a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

- Deprive the other person of a right to the property or a benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.¹⁴

First degree grand theft, a first degree felony, is:¹⁵

- Theft of property valued at \$100,000 or more or is a semitrailer that was deployed by a law enforcement officer;
- Theft of cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or
- Any grand theft where in the course of committing the offense, the offender:
 - Uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or
 - Causes damage to the real or personal property of another in excess of \$1,000.

Second degree grand theft, a second degree felony, is:¹⁶

- Theft of property valued at \$20,000 or more, but less than \$100,000;
- Theft of cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock;
- Theft of emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under ch. 395, F.S., or from an aircraft or vehicle permitted under ch. 401, F.S.; or
- Theft of law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle.

Third degree grand theft, a third degree felony,¹⁷ is theft of:

- Property valued at \$750 or more, but less than \$20,000.
- Specified property including, but not limited to:
 - A will, codicil, or testamentary instrument;
 - A firearm;
 - A motor vehicle;
 - Any commercially farmed animal,¹⁸ a bee colony of a registered beekeeper, or aquaculture species raised at a certified aquaculture facility;
 - Any fire extinguisher;
 - Citrus fruit of 2,000 or more individual pieces;
 - Any stop sign;
 - Anhydrous ammonia;

¹⁴ Section 812.014(1), F.S.

¹⁵ Section 812.014(2)(a), F.S.

¹⁶ Section 812.014(2)(b), F.S.

¹⁷ A third degree felony is punishable by up to 5 years' incarceration and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

¹⁸ This includes any animal of the equine, avian, bovine, or swine class or other grazing animal.

- Property taken from a designated, posted construction site;¹⁹ and
- Any amount of controlled substance as defined in s. 893.02, F.S.
- Property from a dwelling or its unenclosed curtilage if the property is valued at \$100 or more, but less than \$750.²⁰

III. Effect of Proposed Changes:

The bill amends s. 843.22, F.S., to include grand theft as a crime that may be reclassified to the next higher degree if the person traveled any distance with the intent to commit the grand theft in a county in this state other than the person's county of residence, if the purpose of the travel was to thwart law enforcement attempts to track the items stolen in the offense.

For purposes of sentencing, a grand theft that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the offense committed.

This bill is effective October 1, 2021.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁹ Section 812.014(2)(c), F.S.

²⁰ Section 812.014(2)(d), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill may have a positive indeterminate prison bed impact due to the increased number of offenders who may be sentenced to prison due to an increased sentencing score.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 843.22 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Baxley

12-01476A-21

20211354__

A bill to be entitled

An act relating to traveling across county lines with intent to commit a felony; amending s. 843.22, F.S.; defining the term "felony offense"; providing for reclassification of certain felony offenses when the person who commits the offense crosses a county line with specified intent; providing an effective date.

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

Section 1. Section 843.22, Florida Statutes, is amended to read:

843.22 Traveling across county lines with intent to commit a felony burglary.-

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

(a) "County of residence" means the county within this state in which a person resides. Evidence of a person's county of residence includes, but is not limited to:

1. The address on a person's driver license or state identification card;

2. Records of real property or mobile home ownership;

3. Records of a lease agreement for residential property;

4. The county in which a person's motor vehicle is registered;

5. The county in which a person is enrolled in an educational institution; and

6. The county in which a person is employed.

(b) "Felony offense" means a felony violation of any of the following:

Page 1 of 2

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

12-01476A-21

20211354__

1. "Burglary," means burglary as defined in s. 810.02.r

2. Grand theft, as prohibited under s. 812.014.

For purposes of this paragraph, the term includes including an attempt, a solicitation, or a conspiracy to commit such offense.

(2) If a person who commits a felony offense burglary travels any distance with the intent to commit the felony offense burglary in a county in this state other than the person's county of residence, the degree of the felony offense burglary shall be reclassified to the next higher degree if the purpose of the person's travel is to thwart law enforcement attempts to track the items stolen in the felony offense burglary. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense burglary that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the felony offense burglary committed.

Section 2. This act shall take effect October 1, 2021.

Page 2 of 2

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

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THE FLORIDA SENATE

APPEARANCE RECORD

March 9, 2021

Meeting Date

1354

Bill Number (if applicable)

Topic Traveling Across County Lines with Intent to Commit a Felony

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Ethics and Elections, *Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Community Affairs
Criminal Justice
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee,
Alternating Chair

SENATOR DENNIS BAXLEY
12th District

February 25, 2021

The Honorable Chair Jason Pizzo
405 Senate Office Building
Tallahassee, FL 32399

Dear Chairman Pizzo,

I would like to request that SB 1354 Traveling across County Lines with Intent to Commit a Felony be placed on the next agenda in the Criminal Justice Committee.

This bill clarifies if a person travels from the county of their residence into another county and commits a "felony offense", which means a felony violation of any of the following: burglary or grand theft, the degree of the felony offense shall be reclassified to the next higher degree if the purpose of the person's travel is to thwart law enforcement attempts to track the items stolen.

I appreciate your favorable consideration.

Onward & Upward,

A handwritten signature in dark ink, appearing to read "Dennis Baxley", is written over a faint, circular official stamp.

Senator Dennis Baxley
Senate District 12

DKB/dd

REPLY TO:

- ☐ 206 South Hwy 27/441, Lady Lake, Florida 32159 (352) 750-3133
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471 (352) 789-6720
- ☐ 322 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1378

INTRODUCER: Senator Bradley

SUBJECT: Corporate Espionage

DATE: March 8, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Jones	CJ	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 1378 creates the “Eliminating Corporate Espionage in Florida Act” within s. 812.081, F.S.

The bill creates, amends, and reorganizes current definitions in s. 812.081,(1), F.S. The bill amends the current third degree felony related to trade secrets to simplify it and incorporate the definition of “obtains or uses.” The bill specifies that a person who willfully and without authorization, obtains or uses an article representing a trade secret or makes or causes to be made a copy of an article representing a trade secret commits a third degree felony.

The bill also creates a new third degree felony for a person who intentionally receives, buys, or possesses an article representing a trade secret, knowing such trade secret to be obtained or used or copied without authorization. The bill amends the Criminal Punishment Code (Code) offense severity ranking chart to rank this new crime as a Level 1.

If a person commits the third degree felony offenses described above, the bill reclassifies these crimes to a second degree felony whenever he or she commits the offense with the intent to benefit a foreign government, foreign agent, or other foreign entity against the interest of the state. The bill also specifies that the reclassified offense is ranked one level above the ranking of the offense committed.

It is not a defense to the trade secret offenses that the person returned or intended to return the unlawfully obtained, used, stolen, embezzled, or copied article. The bill amends this provision to include the newly defined term unlawfully “obtained, used.”

A court must order restitution if a person is convicted of violating s. 812.081, F.S., and it must include the value of the benefit derived from the offense. The value of the benefit derived from the offense includes any expenses for research and design and other costs of reproducing the trade secret that the person has avoided by committing the offense.

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

The bill is effective October 1, 2021.

II. Present Situation:

Trade Secrets

Section 812.081, F.S., defines a “trade secret” as information¹ used in the operation of a business, which provides the business an advantage or an opportunity to obtain an advantage, over those who do not know or use it. The test provided in statute, and adopted by Florida courts,² requires that a trade secret be actively protected from loss or public availability to any person not selected by the secret’s owner to have access thereto, and be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.³

Section 812.081(2), F.S., makes it a third degree felony⁴ for a person to deprive or withhold from the owner the control of a trade secret or to intentionally misappropriate a trade secret from its owner, including stealing or embezzling an article representing a trade secret or without authority making or causing to be made a copy of an article representing a trade secret. It is not a defense, if a person returned or intended to return the article stolen, embezzled, or copied.⁵

What is Corporate (or Economic) Espionage?

According to the Federal Bureau of Investigation (FBI), historically, economic espionage has targeted defense-related and high-tech industries. But recent FBI cases have shown that no industry, large or small, is immune to the threat. Any company with a proprietary product, process, or idea can be a target; any unprotected trade secret is vulnerable to theft by those who wish to illegally obtain innovations to increase their market share at a victim company’s expense.⁶

¹ A trade secret may manifest as “any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof” pursuant to s. 812.081(1)(c), F.S.

² See, e.g., *Sepero Corp. v. Dep’t. of Env’tl. Prot.*, 839 So. 2d 781 (Fla. 1st DCA 2003).

³ Section 812.081(1)(c), F.S.

⁴ 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.

⁵ Section 812.081(3), F.S.

⁶ FBI, What We Investigate, *Counterintelligence, Economic Espionage*, available at <https://www.fbi.gov/investigate/counterintelligence> (last visited March 5, 2021). See also FBI, What We Investigate, *Counterintelligence, Economic Espionage, News, Stories, Trade Secret Theft, Investigation into Theft of Intellectual Property from GE Leads to Two Guilty Pleas*, July 29, 2020, available at <https://www.fbi.gov/news/stories/two-guilty-in-theft-of-trade-secrets-from-ge-072920> (last visited March 5, 2021).

Examples of corporate espionage include:

- A person acting on their own behalf such as where a dissatisfied employee breaks into company records of their own employer in order to cause damage to the company; or
- A person acting on behalf of a competitor company, such as where a company hires an employee (or an outside party) to illegally investigate their competitor's business.⁷

Technology-based companies are prone to industrial espionage issues, especially with regards to novel ideas or technology products. For instance, biotechnology companies, software firms, and automobile companies tend to be the target of corporate espionage. Transferring stolen company property or stolen trade secrets can also be considered espionage.⁸

The FBI reports that economic espionage is a problem that costs the American economy hundreds of billions of dollars per year. While it is not a new threat, it is a growing one, and theft attempts by foreign competitors and adversaries are becoming more brazen and varied. These foreign competitors deliberately target economic intelligence in advanced technologies and flourishing U.S. industries.⁹

Foreign Influence Uncovered in University Research Programs

According to a National Institutes of Health (NIH) Advisory Committee report, some foreign governments have initiated systematic programs to unduly influence and capitalize on U.S.-conducted research. Small numbers of scientists have committed serious violations of policies and systems by not disclosing foreign support (i.e., grants), laboratories, or funded faculty positions in other countries. These efforts by foreign governments to obtain a competitive advantage in critical areas of research and innovation at the cost of the research enterprises and those that fund them are few, but serious.¹⁰

For example, in 2019, four faculty members left the University of Florida (UF) after the university and the National Institutes of Health found possible ties to foreign institutions that may have violated funding and research rules.¹¹ The NIH first reached out to universities across the nation in August 2018 with a letter that expressed concerns about foreign entities trying to influence U.S. research. The NIH later identified two UF faculty members who may have been connected to foreign entities. Through the university's own assessments, two additional faculty members raised concerns.¹² For example:

- One faculty member ("Faculty 1") had been employed by UF since 1995. In addition to serving as the vice president at a China university since at least 2017, Faculty 1 was the

⁷ LegalMatch, *What is Industrial Espionage?*, available at <https://www.legalmatch.com/law-library/article/industrial-espionage-lawyers.html> (last visited March 5, 2021).

⁸ *Id.*

⁹ FBI, *What We Investigate, Counterintelligence, Economic Espionage*, available at <https://www.fbi.gov/investigate/counterintelligence> (last visited March 5, 2021).

¹⁰ NIH Advisory Committee to the Director (ACD), ACD Working Group for Foreign Influences on Research Integrity, December 2018 Report, p. 5, available at https://acd.od.nih.gov/documents/presentations/12132018ForeignInfluences_report.pdf (last visited March 4, 2021).

¹¹ Emily Mavrakis, *UF: Former faculty did not disclose China affiliations*, Gainesville.com, January 22, 2020, available at <https://www.gainesville.com/news/20200122/uf-former-faculty-did-not-disclose-china-affiliations> (last visited March 4, 2021).

¹² *Id.* The NIH provided UF with more than \$208 million in research grant money in 2019.

director of an institute at a different Chinese university. While conducting research at UF, Faculty 1 served as the principal investigator for one NIH-funded project. None of Faculty 1's foreign affiliations was reported to UF nor the NIH.

- “Faculty 3” joined UF as a postdoctoral associate in the College of Medicine, and was appointed as a part-time research associate professor in 2012. The researcher focused on virology, gene therapy and traditional Chinese medicine. Faculty 3 was the principal investigator on one NIH-funded project and co-principal investigator for a second project prior to termination. That faculty member received an undisclosed grant from China, had an appointment at a Chinese university since 2017 and received a Chinese Thousand Talents award.¹³

During a meeting of the Florida House Select Committee on the Integrity of Research Institutions, a national security spokesman for the U.S. Department of Justice, said in a prepared statement that China is implicated in more than 80 percent of all economic espionage charges brought by the department since 2012.¹⁴

Federal Law

The Economic Espionage Act of 1996

The Economic Espionage Act of 1996 (EEA) was the first federal law to define¹⁵ and punish the theft or misappropriation of trade secrets. The EEA criminalizes theft of trade secrets and economic espionage, as follows:

- *Theft of trade secrets* means the intentional conversion of a trade secret to the economic benefit of someone other than the owner of the trade secret, with intent or knowledge that the offense will injure the owner.¹⁶ Theft of trade secrets is punishable by up to 10 years in federal prison and specified fines for an individual or a corporation.¹⁷
- *Economic espionage* refers to theft of a trade secret with the intent or knowledge that such theft will benefit a foreign government, foreign instrumentality, or foreign agent.¹⁸ Economic

¹³ *Id.*

¹⁴ *Id.* See also, Bill Gertz, ‘Economic Espionage’: Special DOJ unit cracks down on China’s illicit activities, The Washington Times, January 8, 2020, available at <https://www.washingtontimes.com/news/2020/jan/8/justice-department-special-china-unit-targets-beij> (last visited March 4, 2021).

¹⁵ Under the EEA, a trade secret means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if: the owner thereof has taken reasonable measures to keep such information secret; and the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public. 18 U.S.C. 1839.

¹⁶ 18 U.S.C. 1832.

¹⁷ An individual may be fined up to \$250,000 or twice the value of the loss or gain associated with the offense, and a corporation may be fined up to \$5 million, twice the value of the loss or gain associated with the offense, or three times the value of the stolen trade secret. 18 U.S.C. 1832(a), 3571(c). Here and elsewhere, 18 U.S.C. 3571(d) provides as a general matter that the maximum for a criminal fine of any federal criminal offense is the greater of the standard amount set for the particular offense (e.g., \$250,000 for individuals convicted of a felony) or twice the gain or loss resulting from the offense.

¹⁸ 18 U.S.C. 1831(a).

espionage is punishable by up to 15 years in federal prison and specified fines for an individual or corporation.¹⁹

The EEA requires a sentencing court to order restitution, provides that property derived from, or used to facilitate, commission of the offense may be subject to confiscation under either civil or criminal forfeiture procedures, and the court may issue an order to protect the confidentiality of a trade secret during prosecution and the government may appeal its failure to do so.

Defend Trade Secrets Act

The Defend Trade Secrets Act of 2016²⁰ (DTSA) amended the remedies available under the EEA by establishing additional remedies for theft of a trade secret or corporate espionage, including, but not limited to, the following:

- The Attorney General may sue for injunctive relief.
- A trade secret's owner may bring a private civil action for damages, equitable and injunctive, court costs, and attorney fees.
- A civil seizure mechanism is available as a preventative measure prior to a formal finding that a trade secret has been misappropriated.
- The court may require affirmative actions be taken to protect the trade secret.
- In exceptional circumstances rendering an injunction inequitable, the court may condition future use of a trade secret on payment of a reasonable royalty for no longer than the period of time for which such use could have been prohibited.²¹

Because the DTSA does not preempt existing state trade secret law, a trade secret owner may choose to pursue a civil action for an offense in state or federal court.

III. Effect of Proposed Changes:

The bill creates the “Eliminating Corporate Espionage in Florida Act” in s. 812.081, F.S.

The bill amends the definition of the term “copy” in s. 812.081, F.S., by including “duplicate,” so that the definition of “copy” becomes any *duplicate*, facsimile, replica, photograph, or other reproduction in whole or in part of an article and any note, drawing, or sketch made of or from an article or part or portion thereof.

The bill creates the following new definitions in s. 812.081(1), F.S.:

- “Obtains or uses” has the same meaning as provided in s. 812.012(3), F.S.; and
- “Person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

¹⁹ An individual may be fined up to \$5 million or twice the value of the loss or gain associated with the offense, and a corporation may be fined up to \$10 million, twice the value of the loss or gain associated with the offense, or three times the value of the stolen trade secret. 18 U.S.C. 1831(a).

²⁰ 18 U.S.C. 1836.

²¹ *Id.*

Section. 812.012(3), F.S., defines the term “obtains or uses” to mean any manner of:

- Taking or exercising control over property.
- Making any unauthorized use, disposition, or transfer of property.
- Obtaining property by fraud, willful misrepresentation of a future act, or false promise.
- Conduct previously known as stealing; larceny; purloining; abstracting; embezzlement; misapplication; misappropriation; conversion; or obtaining money or property by false pretenses, fraud, or deception; or other conduct similar in nature.

The bill amends the current third degree felony related to trade secrets to simplify it and incorporate the definition of “obtains or uses.” The bill specifies that a person who willfully and without authorization, obtains or uses an article²² representing a trade secret or makes or causes to be made a copy of an article representing a trade secret commits a third degree felony.

The bill creates a new third degree felony offense for a person who intentionally receives, buys, or possesses an article representing a trade secret, knowing such trade secret to be obtained or used or copied without authorization. The bill also amends the Criminal Punishment Code (Code) offense severity ranking chart²³ to rank this new offense as a Level 1.

If a person commits the third degree felony offenses described above, the bill reclassifies these crimes to a second degree felony²⁴ whenever he or she commits the offense with the intent to benefit a foreign government, foreign agent, or other foreign entity against the interest of the state. The bill also specifies that the reclassified offense is ranked one level above the ranking of the offense committed. The offenses related to trade secrets are ranked at a Level 1 thus this would re-rank these offenses as a Level 2 increasing the points on the Code scoresheet by 6 points.²⁵

It is not a defense to the trade secret offenses that the person returned or intended to return the unlawfully obtained, used, stolen, embezzled, or copied article. The bill amends this provision to include the newly defined term unlawfully “obtained, used.”

A court must order restitution if a person is convicted of violating s. 812.081, F.S., and it must include the value of the benefit derived from the offense. The value of the benefit derived from the offense includes any expenses for research and design and other costs of reproducing the trade secret that the person has avoided by committing the offense.

The bill is effective October 1, 2021.

²² “Article” means any object, device, machine, material, substance, or composition of matter, or any mixture or copy thereof, whether in whole or in part, including any complete or partial writing, record, recording, drawing, sample, specimen, prototype model, photograph, microorganism, blueprint, map, or copy thereof. Section 812.081, F.S.

²³ The Criminal Punishment Code (Code) is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10). Points are assigned and 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. 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.

²⁴ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²⁵ Section 921.0024(1)(a), F.S.

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

This bill appears to be exempt from the requirements of Art. VII, s. 18(d) of the Florida Constitution, relating to unfunded mandates.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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, since the bill creates a new third degree felony and provides for the reclassification of certain offenses in specified instances, it will likely have a positive indeterminate (i.e., unquantifiable increase) in prison bed impact on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 812.081, and 921.0022.

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

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

None.

B. Amendments:

None.

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

By Senator Bradley

5-01553-21

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A bill to be entitled

An act relating to corporate espionage; providing a short title; amending s. 812.081, F.S.; providing definitions; prohibiting receipt of unlawfully obtained trade secrets; providing a penalty; reclassifying the penalty and increasing the offense severity ranking for receiving, obtaining, or using trade secrets to benefit a foreign government, foreign agent, or other foreign entity; requiring a court to order specified restitution for a violation; amending s. 921.0022, 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. This act may be cited as the "Eliminating Corporate Espionage in Florida Act."

Section 2. Section 812.081, Florida Statutes, is amended to read:

812.081 Trade secrets; definitions; theft, embezzlement; unlawful copying; unlawful receipt; providing to foreign entities; penalties; restitution definitions; penalty.—

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

(a) "Article" means any object, device, machine, material, substance, or composition of matter, or any mixture or copy thereof, whether in whole or in part, including any complete or partial writing, record, recording, drawing, sample, specimen, prototype model, photograph, microorganism, blueprint, map, or copy thereof.

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~~(e)(b)~~ "Representing" means completely or partially describing, depicting, embodying, containing, constituting, reflecting, or recording.

(c) "Obtains or uses" has the same meaning as provided in s. 812.012(3).

(d) "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~(f)(e)~~ "Trade secret" means the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

1. Secret;

2. Of value;

3. For use or in use by the business; and

4. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it

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when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

~~(b)(4)~~ "Copy" means any duplicate, facsimile, replica, photograph, or other reproduction in whole or in part of an article and any note, drawing, or sketch made of or from an article or part or portion thereof.

(2) ~~A Any person who, willfully and without authorization, obtains or uses with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another, steals or embezzles an article representing a trade secret or without authority makes or causes to be made a copy of an article representing a trade secret commits a felony of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.~~

(3) A person who intentionally receives, buys, or possesses an article representing a trade secret, knowing such trade secret to be obtained or used or copied without authorization, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Whenever any person is charged with committing an offense under this section and he or she commits the offense with the intent to benefit a foreign government, foreign agent, or other foreign entity against the interest of the state, the offense for which the person is charged shall be reclassified as a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of sentencing under chapter 921, a felony offense that is reclassified under

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this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(5) A court shall order a person convicted of violating this section to pay restitution, which shall include the value of the benefit derived from the offense, including any expenses for research and design and other costs of reproducing the trade secret that the person has avoided by committing the offense.

(6) In a prosecution for a violation of this section, the fact that the person so charged returned or intended to return the unlawfully obtained, used, article so stolen, embezzled, or copied article is not a defense.

Section 3. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2) (b)	3rd	Failure to remit sales taxes,

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amount \$1,000 or more but less
than \$20,000.

316.1935(1) 3rd Fleeing or attempting to elude
law enforcement officer.

319.30(5) 3rd Sell, exchange, give away
certificate of title or
identification number plate.

319.35(1) (a) 3rd Tamper, adjust, change, etc.,
an odometer.

320.26(1) (a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

322.212 3rd Possession of forged, stolen,
(1) (a)-(c) counterfeit, or unlawfully
issued driver license;
possession of simulated
identification.

322.212(4) 3rd Supply or aid in supplying
unauthorized driver license or
identification card.

322.212(5) (a) 3rd False application for driver
license or identification card.

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

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414.39(3) (a) 3rd Fraudulent misappropriation of
public assistance funds by
employee/official, value more
than \$200.

443.071(1) 3rd False statement or
representation to obtain or
increase reemployment
assistance benefits.

509.151(1) 3rd Defraud an innkeeper, food or
lodging value \$1,000 or more.

517.302(1) 3rd Violation of the Florida
Securities and Investor
Protection Act.

713.69 3rd Tenant removes property upon
which lien has accrued, value
\$1,000 or more.

812.014(3) (c) 3rd Petit theft (3rd conviction);
theft of any property not
specified in subsection (2).

812.081(2) & (3) 3rd Obtaining, using, or copying
~~812.081(2)~~ ~~Unlawfully makes or causes to~~
~~be made a reproduction of a~~

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	5-01553-21		20211378__	
				trade secret; <u>unlawfully</u> <u>receiving, buying, or</u> <u>possessing a trade secret.</u>
123				
	815.04(5)(a)	3rd		Offense against intellectual property (i.e., computer programs, data).
124				
	817.52(2)	3rd		Hiring with intent to defraud, motor vehicle services.
125				
	817.569(2)	3rd		Use of public record or public records information or providing false information to facilitate commission of a felony.
126				
	826.01	3rd		Bigamy.
127				
	828.122(3)	3rd		Fighting or baiting animals.
128				
	831.04(1)	3rd		Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
129				
	831.31(1)(a)	3rd		Sell, deliver, or possess counterfeit controlled substances, all but s.

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				893.03(5) drugs.
130				
	832.041(1)	3rd		Stopping payment with intent to defraud \$150 or more.
131				
	832.05(2)(b) & (4)(c)	3rd		Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
132				
	838.15(2)	3rd		Commercial bribe receiving.
133				
	838.16	3rd		Commercial bribery.
134				
	843.18	3rd		Fleeing by boat to elude a law enforcement officer.
135				
	847.011(1)(a)	3rd		Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
136				
	849.09(1)(a)-(d)	3rd		Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
137				
	849.23	3rd		Gambling-related machines;

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

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"common offender" as to
property rights.

849.25(2) 3rd Engaging in bookmaking.

860.08 3rd Interfere with a railroad
signal.

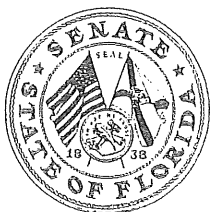
860.13(1) (a) 3rd Operate aircraft while under
the influence.

893.13(2) (a)2. 3rd Purchase of cannabis.

893.13(6) (a) 3rd Possession of cannabis (more
than 20 grams).

934.03(1) (a) 3rd Intercepts, or procures any
other person to intercept, any
wire or oral communication.

Section 4. This act shall take effect October 1, 2021.



SENATOR JENNIFER BRADLEY
5th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Agriculture, *Vice Chair*
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Education
Ethics and Elections
Judiciary

SELECT COMMITTEE:

Select Committee on Pandemic
Preparedness and Response

JOINT COMMITTEES:

Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

March 2, 2021

Senator Jason Pizzo, Chairman
Senate Committee on Criminal Justice
510 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Mr. Chairman:

I respectfully request that Senate Bill 1378 be placed on the committee's agenda at your earliest convenience. The subject of the bill is corporate espionage.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Bradley".
Jennifer Bradley

cc: Lauren Jones
Sue Arnold

REPLY TO:

- ☐ 1279 Kingsley Avenue, Kingsley Center, Suite 117, Orange Park, Florida 32073 (904) 278-2085
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1426

INTRODUCER: Criminal Justice Committee and Senator Jones

SUBJECT: Pregnant Women in Custody

DATE: March 10, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Jones	CJ	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1426 requires that every female, who is arrested, be notified that she has a right to request a pregnancy test if she is still in custody 72 hours after her arrest. Such notification must occur at the time of booking. If the female has not been released on bond within 72 hours after her arrest, the facility where she is being held must administer a pregnancy test, if requested. The pregnancy test must be performed within 24 hours of the request and may be conducted through urine or blood tests, by ultrasound scan, or by any other standard pregnancy testing protocols adopted by the facility. The bill provides that “female” includes a juvenile or adult woman.

The bill requires a judge to offer a pregnant woman who is convicted of any crime the opportunity to defer her sentence until 12 weeks after delivery of the baby so that the woman may receive necessary health care for herself and her child. The pregnancy must have been verified by a pregnancy test or through a medical examination performed by a physician. The judge may order the pregnant woman to comply with any terms and conditions that may be ordered for probation. If a pregnant woman fails to comply with the terms and conditions ordered by the judge or is convicted of a new crime, the judge may order sanctions, including incarcerating the pregnant woman to serve the sentence for which she was granted the deferral.

If the pregnancy ends prior to the delivery of a baby, the bill requires the deferral to end 12 weeks from the date the pregnancy ends. If a woman declines the referral, she must be incarcerated as directed by the judge.

The bill requires that within 10 days after the end of the deferral period and the woman is incarcerated to serve the imposed sentence, she must be offered an appropriate assessment by a licensed health care practitioner or telehealth provider. If requested, the licensed health care practitioner or telehealth provider must provide a postpartum pregnancy assessment, which includes assessing the need for any medical tests, procedures, lactation support, mental health support, or treatments associated with her postpartum condition. Such assessments and treatments must be developed and offered in consultation with community support organizations, licensed health care professionals, social services programs, and local and state government agencies, including nonprofit organizations.

The bill requires county and municipal detention facilities and the Department of Corrections (DOC) to report the number of sentence deferrals granted, the number of prisoners who requested postpartum assistance, and information on the outcomes of the pregnancies, as well as refusals to provide information on pregnancy outcomes. The DOC must compile this information and publish it on its website, quarterly. The information may not include personally identifiable information and must comply with all state and federal confidentiality laws.

The bill may have an indeterminate fiscal impact on the DOC and municipal and county detention facilities. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2021.

II. Present Situation:

Arrest and Trial

After a person is arrested or charged with a crime, he or she will often be taken into custody and held in a municipal or county jail until first appearance. Within 24 hours of being arrested, the defendant will have his or her first appearance before the court.¹ The presiding judge will advise the defendant whether he or she will receive pretrial release. If granted, the judge will set the requirements for pretrial release, including the amount of bail or bond the defendant must pay to be released. If a person has no right to pretrial release or bond, he or she is immediately delivered into the custody of the sheriff of the county identified in the indictment, information, or affidavit is filed.²

Once the state has filed formal charges, a defendant may enter a not guilty plea and the case will move forward to trial. Alternatively, a defendant may enter a plea of guilty and be sentenced by the judge; or pursuant to a plea agreement, the defendant may plead guilty or nolo contendere and be sentenced accordingly, if approved by the court. Once a trial is held and evidence is presented, the jury or the judge will find the defendant guilty or not guilty. If, at the conclusion of all the evidence, the defendant is found guilty beyond a reasonable doubt, the judge will decide the sentence or other punishment, as required under Florida law.³

¹ Rule 3.130, Fla. R. of Crim. Proc.

² Section 907.04, F.S.

³ The Criminal Punishment Code is the state's primary sentencing policy and provides a method by which a judge can calculate the minimum and maximum sentencing range for felonies. *See* ch. 921, F.S. Sections 775.082 and 775.083, F.S., also provides guidelines for sentencing and the assessment of fines, respectively.

The U.S. Constitution provides that “in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.”⁴ If a defendant asserts his or her right to a speedy trial under the Florida Rules of Criminal Procedure and, barring any procedural issues or delays by the defendant, the trial must commence within 60 days.

Pregnancy while Incarcerated

Women are the fastest growing segment of the incarcerated population.⁵ Reports predict that an estimated four to ten percent of women are pregnant upon being committed to prison or jail.⁶ In a survey of 53 jails across the United States, 38 percent reported performing pregnancy tests on all women entering their facilities, and 45 percent relied on inmates to self-report pregnancies and then performing confirmation testing as needed.⁷

Documentation of pregnancies and pregnancy care while incarcerated is sparse. The most recent data from the Bureau of Justice Statistics (BJS) was collected more than 15 years ago. In 2002, the BJS found that five percent of women in local jails were pregnant when admitted. In 2004, the BJS reported that four percent of women in state prisons and three percent of women in federal prisons were pregnant upon admission. The government has not released any further national data since.⁸

The American College of Obstetricians and Gynecologists report that pregnancies among incarcerated women are often higher risk due to a number of factors, including that such pregnancies are often unplanned and are compromised by a lack of prenatal care, poor nutrition, domestic violence, mental illness, and drug and alcohol abuse.⁹ Pregnant women also lack control over their environments while incarcerated, which may negatively affect sleep, dietary requirements, and medication administration.¹⁰ Compared with the general public, incarcerated women are at higher risk for having premature delivery and low birth-weight infants.¹¹

⁴ U.S. Const. Amend. V. See also Rule 3.191, Fla. R. Crim. Pro.

⁵ Sawyer, Wendy, Prison Policy Initiative, *The Gender Divide: Tracking Women’s State Prison Growth*, p.17, January 9, 2018, available at https://www.prisonpolicy.org/reports/women_overtime.html (last visited March 4, 2021).

⁶ Ferszt, G., Palmer, M., and McGrane, C., Nursing for Women’s Health, *Where Does Your State Stand on Shackling of Pregnant Incarcerated Women?*, February 2018, available at [https://nwhjournal.org/article/S1751-4851\(17\)30335-5/pdf](https://nwhjournal.org/article/S1751-4851(17)30335-5/pdf) (last visited March 4, 2021); Daniel, R., Prison Policy Initiative, *Prisons Neglect Pregnant Women in Their Healthcare Policies*, December 5, 2019, available at <https://www.prisonpolicy.org/blog/2019/12/05/pregnancy/> (last visited March 4, 2021).

⁷ Friedman, S., Kaempf, Aimee, and Kaufman, Sarah, *The Realities of Pregnancy and Mothering while Incarcerated*, Journal of the American Academy of Psychiatry and the Law, 48(3), November 3, 2020, available at <http://jaapl.org/content/early/2020/05/13/JAAPL.003924-20> (last visited March 4, 2021).

⁸ Daniel, R., Prison Policy Initiative, *Prisons Neglect Pregnant Women in Their Healthcare Policies*, December 5, 2019, available at <https://www.prisonpolicy.org/blog/2019/12/05/pregnancy/> (last visited March 4, 2021). See also Sufrin, C., Beal, L., Clarke, J., Jones, R., and Mosher, W., The American Journal of Public Health, *Pregnancy Outcomes in US Prison, 2016-2017*, January 15, 2019, available at <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2019.305006> (last visited March 4, 2021).

⁹ The American College of Obstetricians and Gynecologists, Committee Opinion, *Health Care for Pregnancy and Postpartum Incarcerated Women and Adolescent Females*, November 2011, available at <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Health-Care-for-Underserved-Women/Health-Care-for-Pregnant-and-Postpartum-Incarcerated-Women-and-Adolescent-Females?IsMobileSet=false> (last visited March 4, 2021); See also Nursing for Women’s Health Report.

¹⁰ *Supra* note 7, at p. 2.

¹¹ *Supra* note 3, at p. 3.

For some women, incarceration may improve pregnancy outcomes. Women in prison experience forced sobriety, regular nutrition, regular prenatal care, a lack of partner violence, and no homelessness.¹² However, these outcomes vary by the woman's personal situation and the facility-specific circumstances.

Pregnant Women in Florida Correctional Facilities

The DOC has five female correctional institutions statewide.¹³ The DOC assigns prisoners to institutions based on current classification procedures while facilitating the individual risk and needs of prisoners to the extent possible considering security and health care needs.¹⁴ The DOC also considers other factors, such as the programmatic and education needs of the prisoner. All newly committed females receive a complete physical examination, which includes a complete gynecological and obstetrical history, pelvic examination, and serum pregnancy test.¹⁵ All inmates who are visibly pregnant or confirmed to be pregnant are housed at the Lowell Correctional Institution which houses all pregnant prisoners for the duration of the pregnancy, unless a medical condition prohibits transfer to or housing at the facility.

The DOC has guidelines for the health care of pregnant prisoners. A senior health care professional examines the pregnant prisoner as soon as possible to confirm the pregnancy, determine the stage of pregnancy, and determine the anticipated due date. Pregnant prisoners are transferred to a contract hospital for the actual delivery and then returned to the institution when discharged by the attending obstetrician. The DOC reports that postpartum care is provided at the institution according to the discharge orders of the attending obstetrician, but that the six-week checkup is provided by the obstetrician.¹⁶

The DOC reports the pregnant prisoner population over the last three fiscal years is as follows:

- 69 prisoners in Fiscal Year 2019-2020;
- 101 in Fiscal Year 2018-2019; and
- 98 in Fiscal Year 2017-2018.¹⁷

¹² *Id.*

¹³ These facilities are Gadsden Correctional Facility in Quincy, Lowell Correctional Institution in Ocala, Florida Women's Reception Center in Ocala, Hernando Correctional Institution in Brooksville, and Homestead Correctional Institution in Florida City. Office of Program Policy Analysis and Government Accountability, *Florida Correctional Facilities, Report No. 19-08*, (October 2019), p. 2, available at <https://oppaga.fl.gov/Documents/Reports/19-08.pdf> (last visited March 4, 2021).

¹⁴ *Id.* at pp. 7-8.

¹⁵ The DOC, *Agency Analysis for SB 1426*, March 8, 2021, p. 2, (on file with the Senate Criminal Justice Committee).

¹⁶ *Id.*

¹⁷ *Id.* This measures the number of different prisoners who were pregnant at some point during the fiscal year; however, some prisoners may be counted in more than one fiscal year.

Protections for Pregnant Prisoners under State Law

Section 944.241, F.S., prohibits restraints¹⁸ from being used on a prisoner¹⁹ who is known to be pregnant during labor,²⁰ delivery, and postpartum recovery,²¹ unless the corrections official²² makes an individualized determination that the prisoner presents an extraordinary circumstance.²³ This section applies to any facility under the authority of the DOC, the Department of Juvenile Justice, a county or municipal detention facility, or a detention facility operated by a private entity.²⁴

State law also limits the involuntary placement of a pregnant prisoner in restrictive housing.²⁵ A pregnant prisoner may be involuntarily placed in restrictive housing if the corrections official of the correctional institution makes an individualized determination that such housing is necessary to protect the health and safety of the pregnant prisoner or others.²⁶ Pregnant prisoners placed in restrictive housing must be seen by a qualified healthcare professional every 24 hours and a corrections officer every hour. Pregnant prisoners must be given a medical treatment plan that has been developed and approved by a qualified healthcare professional at the correctional institution.

If a pregnant woman needs medical care or has passed her due date, she must be placed in a designated medical housing unit or admitted to the infirmary. She must have access to outdoor recreation, visitation, mail, telephone calls, and other privileges and classes available to the general population unless:

- A corrections official, in consultation with a qualified health care professional, determines such access poses a threat to the safety and security of the correctional institution; or
- A qualified health care professional determines that such access poses a danger of adverse clinical consequences for the pregnant prisoner or others.²⁷

¹⁸ Section 944.241(2)(h), F.S., defines “restraints” to mean any physical restraint or mechanical device used to control the movement of a prisoner’s body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, chubb cuffs, leg irons, belly chains, a security or tether chain, or a convex shield.

¹⁹ Section 944.241(2)(g), F.S., defines “prisoner” to mean any person incarcerated or detained in any correctional institution who is accused of, convicted of, sentenced for, or adjudicated delinquent for a violation of criminal law or the terms and conditions of parole, probation, community control, pretrial release, or a diversionary program. Additionally, the term includes any woman detained under the immigration laws of the United States at any correctional institution.

²⁰ Section 944.241(2)(e), F.S., defines “labor” to mean the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

²¹ Section 944.241(2)(f), F.S., defines “postpartum recovery” to mean, as determined by her physician, the period immediately following delivery, including the recovery period when a woman is in the hospital or infirmary following birth, up to 24 hours after delivery unless the physician after consultation with the DOC or correctional institution recommends a longer period of time.

²² Section 944.241(2)(b), F.S., defines “corrections official” to mean the official who is responsible for oversight of a correctional institution, or his or her designee.

²³ Section 944.241(2)(d), F.S., defines “extraordinary circumstance” to mean a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

²⁴ See s. 944.241(2)(a), F.S.

²⁵ Section 944.241(2)(k), F.S., defines “restrictive housing” to mean housing a prisoner separately from the general population of a correctional institution and imposing restrictions on her movement, behavior, and privileges. The term includes placing a prisoner in medical isolation, in a medical housing unit, or in the infirmary.

²⁶ Section 944.241(4), F.S.

²⁷ Section 944.241(4)(d), F.S.

Pregnant Women in Municipal and County Detention Facilities

Municipal and county detention facilities must provide pregnant prisoners with prenatal care and medical treatment for the duration of her pregnancy.²⁸ The county must ensure that pregnant prisoners receive supplemental food and clothing and are excused from inappropriate work assignments.

A pregnant prisoner must be transferred to a hospital outside the facility if conditions develop that are beyond the scope and capabilities of the county detention facility.²⁹ The charges for the hospital and medical care must be charged against the detention facility's allocated funds.³⁰ The county must also provide care for the newborn and pay for the child's care until the child is suitably placed outside the prison system.³¹

Privacy of Medical Records

Health Insurance Portability and Accountability Act

The federal Health Insurance Portability and Accountability Act (HIPAA), enacted in 1996, protects personal health information (PHI).³² In 2000, the U.S. Department of Health and Human Services promulgated privacy rules which established national standards to protect medical records and other PHI.³³ These rules address, among other things, the use and disclosure of an individual's PHI.

Only certain entities are subject to HIPAA's provisions. These "covered entities" include:

- Health plans;
- Health care providers;
- Health care clearinghouses; and
- Business associates of any of the above.³⁴

HIPAA requires the disclosure of an individual's PHI to the individual who is the subject of the PHI information or his or her personal representative,³⁵ upon his or her request.³⁶ An individual also has the right to request the disclosure of PHI to another person or entity. Such request must

²⁸ Section 951.175(4), F.S.

²⁹ *Id.*

³⁰ Section 951.175(5), F.S.

³¹ *Id.*

³² Pub. L. No. 104-191 (1996). Protected health information includes all individually identifiable health information held or transmitted by a covered entity or its business associate.

³³ U.S. Department of Health and Human Services, *Health Information Privacy*, available at <https://www.hhs.gov/hipaa/for-professionals/privacy/index.html> (last visited March 4, 2021). The rules were modified in 2002.

³⁴ U.S. Department of Health and Human Services, Office for Civil Rights, *Summary of the HIPAA Privacy Rule*, (last rev. May 2003), available at <https://www.hhs.gov/sites/default/files/privacysummary.pdf> (last visited March 4, 2021).

³⁵ *Supra*, note 33. A personal representative is generally a person with authority under state law to make health care decisions on behalf of an individual.

³⁶ *Supra*, note 34. HIPAA limits the access to psychotherapy notes, certain lab results, and information compiled for legal proceedings. A covered entity may also deny access to personal health information in certain situations, such as when a health care practitioner believes access could cause harm to the individual or others.

be in writing, signed by the individual, and clearly identify the designated person and where to send the PHI.³⁷

In general, HIPAA privacy rules preempt any state law that is contrary to its provisions.³⁸ However, if the state law is more stringent, the state law will apply.

Florida Law on Medical Records

Patient records are generally protected from disclosure. Section 456.057, F.S., prohibits health care practitioners from disclosing medical records and a patient's medical condition to anyone other than the patient, the patient's legal representative, or other health care practitioners and providers involved in the patient's care or treatment without written authorization of the patient. A health care practitioner may disclose records, without the patient's written authorization under the following circumstances:

- To any person, firm, or corporation that has procured or furnished such care or treatment with the patient's consent;
- When a compulsory examination is made under Rule 1.360, Florida Rules of Civil Procedure;
- Upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient by the party seeking the records;
- For statistical and scientific research, provided the information is abstracted in a way to protect the identity of the patient, or the patient provided written permission;
- To a regional poison control center for the purpose of treating or managing a poison episode; and
- To the Department of Children and Families or its contracted entity for the purposes of investigations or services for cases of abuse, neglect, or exploitation of children or vulnerable adults.³⁹

A health care practitioner may also release medical records without the patient's consent to facilitate emergency treatment, when the health care provider is unable to obtain the patient's consent due to the patient's condition and the need for immediate medical care.⁴⁰ Medical records related to workers compensation may also be released to certain parties without a patient's written authorization.⁴¹

A third party to whom medical records are disclosed may not further disclose any information in the medical record without the expressed, written consent of the patient or the patient's legal representative.⁴²

³⁷ *Supra*, note 33.

³⁸ 45 C.F.R. s. 160.203.

³⁹ Section 456.057(7), F.S.

⁴⁰ Section 408.051(3), F.S.

⁴¹ Section 440.13(4)(c), F.S.

⁴² Section 456.057(11), F.S.

Hospitals and ambulatory surgical centers may not disclose patient medical records without the consent of the patient or the patient's legal representative.⁴³ However, certain disclosures are permissible without the patient's consent.⁴⁴

III. Effect of Proposed Changes:

Pregnancy Testing for Arrestees

The bill requires that every female⁴⁵ who is arrested to be notified, upon booking, that she has a right to request a pregnancy test if she remains in custody 72 hours after her arrest. If the female has not been released on bond within 72 hours after arrest, the municipal or county detention facility⁴⁶ where she is being held must administer a pregnancy test, if requested. The pregnancy test must be performed within 24 hours of the request and may be conducted through urine or blood tests, by ultrasound scan, or by any other standard pregnancy testing protocols adopted by the facility.

Sentence Deferrals for Pregnant Women

The bill requires a judge to provide a pregnant woman⁴⁷ who is convicted of any crime the opportunity to defer her sentence until 12 weeks after delivery of the baby so that she may receive necessary health care for herself and the unborn child during the deferral period. If the pregnancy ends any time prior to the delivery of the baby, such as a miscarriage, the deferral period ends 12 weeks from the date the pregnancy ends.

The judge may order a pregnant woman whose sentence is deferred to comply with any terms and conditions of probation. Under s. 948.03, F.S., a judge would be authorized to order the pregnant woman to:

- Report to the probation officer as directed;
- Permit the probation officer to visit her at her home or elsewhere;
- Work faithfully at suitable employment insofar as may be possible;
- Remain within a specified place;
- Live without violating any law;
- Make reparation or restitution to an aggrieved party for the damage or loss caused by her offense in an amount determined by the court;
- Make payment of the debt due and owing to a county or municipal detention facility for medical care, treatment, hospitalization, or transportation received by a felony probationer while in that detention facility;
- Support her legal dependents to the best of her ability;

⁴³ Section 395.3025(4), F.S.

⁴⁴ For the list of exceptions to obtaining the patient's written consent for release of records, *see* s. 395.3017(4), F.S.

⁴⁵ The bill provides that the term "female" includes a juvenile or adult woman.

⁴⁶ Section 951.23, F.S., defines "municipal detention facility" as a city jail stockade, a city prison camp, and any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of violation of municipal laws or ordinance; and "county detention facility" as a county jail, a county stockade, a county work camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either felony or misdemeanor.

⁴⁷ The bill defines "pregnant woman" as a juvenile or adult woman whose pregnancy has been verified by a pregnancy test or through medical examination by a physician.

- Not associate with person engaged in criminal activities;
- Submit to random testing as directed by the probation officer to determine the presence or use of alcohol or controlled substances;
- Not possess, carry, or own any weapon without first procuring consent of the probation officer or any firearm;
- Not use intoxicants to excess or possess any drugs, unless prescribed by a health care practitioner; and
- Comply with any other terms and conditions the court considers proper.

If a woman is convicted of a new crime or violates any of the terms and conditions ordered by the court, the judge may impose sanctions, including requiring the pregnant woman to be incarcerated to serve the sentence for which the deferral was granted. If a woman declines the deferral, she must immediately serve her sentence, as ordered by the judge.

The bill requires that within 10 days after the deferral period ends and the woman is incarcerated to serve the sentence, she must be offered an appropriate assessment by a licensed health care practitioner or a telehealth provider.⁴⁸ If requested, the licensed health care practitioner or telehealth provider must provide a postpartum assessment, which includes assessing the woman's need for any necessary medical tests, procedures, lactation support, mental health support, or treatments associated with her postpartum condition. The DOC and municipal and county detention facilities must develop and offer the assessments and treatments, in consultation with community support organizations, licensed health care practitioners, social services programs, and local and state government agencies, including nonprofit organizations.

The bill requires each municipal and county detention facility and the DOC to collect the following information:

- The total number of pregnant women who receive a sentence deferral;
- The total number of women who receive and who decline the postpartum assessment and services described above;
- The total number of births, including the number of live births and stillbirths, to women whose sentences are deferred, and the gestational weight of each infant at the time of birth or stillbirth;
- The total number of such women who experience complications during pregnancy and type of complications experienced;
- The total number of such women who experience miscarriages; and
- The total number of women who refuse to provide information about the birth, gestational weight of the infant at birth, pregnancy complications, and miscarriages.

Municipal and county detention facilities must report the above-listed information to the DOC and the DOC must compile the data with information from its own institutions and quarterly

⁴⁸ Section 456.47, F.S., defines a "telehealth provider" as a person who provides health care and related services using telehealth and who is licensed by the Florida Department of Health or under a multistate health care licensure compact of which Florida is a member state, or a person who is registered with the Department of Health to provide such services. "Telehealth" is the use of synchronous or asynchronous telecommunications technology to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient.

publish the data on its website. The bill requires patient identifying information to be excluded and compliance with state and federal confidentiality laws.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill may cause some municipal and county governments to expend funds for the pregnancy testing and postpartum assessments and treatments, these provisions relate to the defense, prosecution, or punishment of criminal offenses, and criminal laws are exempt from the requirements of Art. VII, s. 18(d) of the Florida Constitution, relating to unfunded mandates.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have an indeterminate fiscal impact on the DOC. However, the DOC may incur costs associated with postpartum assessments, data collection, and reporting requirements. There may also be an indeterminate fiscal impact to the inmate and community supervision population.⁴⁹

⁴⁹ *Supra* note 15 at p. 4.

The DOC and municipal and county detention facilities may reduce expenditures related to prenatal care, delivery services, and postpartum care for pregnant prisoners. Municipal and county detention facilities may expend funds to provide pregnancy testing to women who are arrested. However, they may also realize cost savings related to care of the newborn infant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 907.033 and 925.13.

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 9, 2021:

The committee substitute:

- Adds the short title, “Protecting the Dignity of Women and Infants Act.”
- Clarifies that a woman must be notified that a pregnancy test is available 72 hours after her arrest if she is still in custody.
- Revises the terms “physician” and “health care provider” to the term “health care practitioner.”
- Requires a judge to offer a pregnant woman the opportunity to have her sentence deferred, rather than requiring that the sentence of a pregnant woman be deferred.
- Provides that if a woman chooses not to defer her sentence, she is to be incarcerated as directed by the judge.
- Provides that if a pregnancy terminates prior to the delivery of a baby, the woman must be incarcerated 12 weeks from the date the pregnancy terminates.
- Authorizes the judge to impose any of the terms and conditions on the pregnant woman that may be imposed on an individual on probation.
- Authorizes a telehealth provider to provide the assessment once the woman is incarcerated.
- Requires the postpartum assessment to determine the needs of the woman rather than provide information to the woman, and adds the assessment of mental health needs.
- Authorizes a judge to impose sanctions on a pregnant woman who, during the deferral period, violates any conditions imposed by the judge or is convicted of a new crime, including incarceration for the sentence for which the deferral was granted.

- Requires the DOC and municipal and county detention facilities to report the number of women who refuse to provide personal health information in the data that must be collected and published quarterly on the DOC's website.
- Makes other technical changes.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited at the "Protecting the Dignity
of Women and Infants Act."

Section 2. Section 907.033, Florida Statutes, is created to
read:

907.033 Pregnancy testing of female arrestees.—Every female
who is arrested and not released on bond within 72 hours after



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11 arrest, upon her request, must be administered a pregnancy test
12 by the municipal or county detention facility as defined in s.
13 951.23, where she is being held within 24 hours after the
14 request. Upon booking into the facility, the facility must
15 notify each such arrestee of her right to request a pregnancy
16 test 72 hours after her arrest if she is still in custody. The
17 pregnancy test may be conducted through urine or blood tests, by
18 ultrasound scan, or by any other standard pregnancy testing
19 protocols adopted by the facility. As used in this section, the
20 term "female" includes a juvenile or adult woman.

21 Section 3. Section 925.13, Florida Statutes, is created to
22 read:

23 925.13 Sentence deferral for pregnant women.—

24 (1) As used in this section, the term "pregnant woman"
25 means a juvenile or adult woman whose pregnancy has been
26 verified by a pregnancy test or through a medical examination
27 conducted by a health care practitioner.

28 (2) Notwithstanding any other law, the sentence of a
29 pregnant woman who is convicted of a crime and sentenced to
30 incarceration of any length must comply with the following
31 requirements:

32 (a) The sentencing judge must provide a pregnant woman the
33 opportunity to defer the imposed sentence until 12 weeks after
34 delivery of the baby so that during the deferral period, the
35 pregnant woman may receive necessary health care for herself and
36 the unborn child. If the pregnancy ends at any time prior to the
37 delivery of the baby, the deferral period will end 12 weeks from
38 the date the pregnancy ends. If the pregnant woman chooses not
39 to defer her sentence, she must be incarcerated as directed by



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the judge.

(b) The sentencing judge may order a pregnant woman, whose sentence is deferred, to comply with any of the terms and conditions listed in s. 948.03, until such time that she is incarcerated.

(c) Within 10 days after the deferral period ends and the woman is incarcerated to serve the sentence, she must be offered an appropriate assessment by a licensed health care practitioner or a telehealth provider as defined in s. 456.47, and, upon the request of the incarcerated woman, the licensed health care practitioner shall provide a postpartum assessment, including the need for any necessary medical tests, procedures, lactation support, mental health support, or treatments associated with her postpartum condition. The Department of Corrections and municipal and county detention facilities must develop and offer such assessments and treatments in consultation with community support organizations, licensed health care practitioners, social services programs, and local and state government agencies, including nonprofit organizations.

(3) If, during the deferral period, the pregnant woman is convicted of a new crime or violates any of the conditions imposed by the sentencing judge, the judge may impose any sanction that may be imposed under s. 948.06, including an order requiring the pregnant woman to be incarcerated to serve the sentence for which the deferral was granted.

(4) (a) The Department of Corrections shall collect from its own institutions, and each municipal and county detention facility, as those terms are defined in s. 951.23, shall collect and report to the department, all of the following information,



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which the department shall compile and publish quarterly on its public website:

1. The total number of pregnant women who receive a sentence deferral under paragraph (2) (a);

2. The total number of women who receive and who decline assistance under paragraph (2) (c);

3. The total number of births, including the number of live births and stillbirths, to women whose sentences are deferred, and the gestational age and birth weight of each infant at the time of birth or stillbirth;

4. The total number of such women who experience complications during pregnancy and type of complications experienced;

5. The total number of such women who experience miscarriages; and

6. The total number of such women who refuse to provide information regarding the outcome of their pregnancies as indicated in subparagraphs 3., 4., and 5.

(b) The information published pursuant to paragraph (a) must exclude patient identifying information and must comply with state and federal confidentiality laws.

Section 4. This act shall take effect July 1, 2021.

===== 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



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An act relating to pregnant women in custody;
providing a short title; creating s. 907.033, F.S.;
requiring that every female who is arrested and not
released on bond within 72 hours after arrest be
administered a pregnancy test within a certain amount
of time, if so requested; requiring that each facility
notify each arrested female upon booking of her right
to request a pregnancy test; providing for the kinds
of pregnancy tests that may be given; defining the
term "female"; creating s. 925.13, F.S.; defining the
term "pregnant woman"; requiring that, if a pregnant
woman is convicted of a crime and sentenced to
incarceration of any length, the sentencing judge
provide the pregnant woman the opportunity to defer
the imposed sentence until a certain time after
delivery; requiring that, within 10 days after the
deferral period ends and the woman is incarcerated,
she be offered and receive specified services;
authorizing a sentencing judge to order terms and
conditions with which the pregnant must comply during
the deferral; providing for sanctions for a new
criminal conviction or violation of the terms and
conditions ordered by the judge; requiring municipal
and county detention facilities to collect and report
specified information to the Department of
Corrections, which must incorporate such information
from its facilities; requiring the department to
publish the information on its public website and
update it on a quarterly basis; providing requirements



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for the report; providing an effective date.

By Senator Jones

35-01379-21

20211426__

A bill to be entitled

An act relating to pregnant women in custody; creating s. 907.033, F.S.; requiring that every female who is arrested and not released on bond within 72 hours after arrest be administered a pregnancy test within a certain amount of time, if so requested; requiring that each facility notify each arrested female upon booking of her right to request a pregnancy test; providing for the kinds of pregnancy tests that may be given; defining the term "female"; creating s. 925.13, F.S.; defining the term "pregnant woman"; requiring that, if a pregnant woman is convicted of a crime and sentenced to incarceration of any length, the pregnant woman's sentence be deferred until a certain time after delivery; requiring that, within 10 days after the deferral period ends and the woman is incarcerated, she be offered and receive specified services; requiring municipal and county detention facilities to collect and report specified information to the Department of Corrections, which must incorporate such information from its facilities; requiring the department to publish the information on its public website and update it on a quarterly basis; providing requirements for the report; providing an effective date.

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

Section 1. Section 907.033, Florida Statutes, is created to

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

35-01379-21

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read:

907.033 Pregnancy testing of female arrestees.—Every female who is arrested and not released on bond within 72 hours after arrest, upon her request, must be administered a pregnancy test by the facility where she is being held within 24 hours after the request. The facility must notify each such arrestee upon booking of her right to request a pregnancy test. The pregnancy test may be conducted through urine or blood tests, by ultrasound scan, or by any other standard pregnancy testing protocols adopted by the facility. As used in this section, the term "female" includes a juvenile or adult woman.

Section 2. Section 925.13, Florida Statutes, is created to read:

925.13 Sentence deferral for pregnant women.—

(1) As used in this section, the term "pregnant woman" means a juvenile or adult woman whose pregnancy has been verified by a pregnancy test or through a medical examination conducted by a physician.

(2) Notwithstanding any other law, the sentence of a pregnant woman who is convicted of a crime and sentenced to incarceration of any length must comply with the following requirements:

(a) The pregnant woman's sentence must be deferred until 12 weeks after delivery of the baby so that during the deferral period, the pregnant woman may receive necessary health care for herself and the unborn child.

(b) Within 10 days after the deferral period ends and the woman is incarcerated to serve the sentence, she must be offered appropriate assessment by a licensed health care provider during

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the postpartum period and, upon the request of the incarcerated woman, the licensed health care provider shall provide a postpartum pregnancy assessment, including information regarding any necessary medical tests, procedures, lactation support, or treatments associated with her postpartum condition. Such assessments and treatments must be developed and offered in consultation with community support organizations, licensed health care professionals, social services programs, and local and state government agencies, including nonprofit organizations.

(3) (a) Each municipal and county detention facility, as those terms are defined in s. 951.23, shall collect all of the following information and report it to the department, which shall compile it with such information from its own institutions and publish it quarterly on its public website:

1. The total number of pregnant women who receive a sentence deferral under paragraph (2) (a);

2. The total number of women who receive and who decline assistance under paragraph (2) (b);

3. The total number of births, including the number of live births and stillbirths, to women whose sentences are deferred, and the gestational age and birth weight of each infant at the time of birth or stillbirth;

4. The total number of such women who experience complications during pregnancy and type of complications experienced; and

5. The total number of such women who experience miscarriages.

(b) The information published pursuant to paragraph (a)

35-01379-21 20211426__

must exclude patient identifying information and must comply with state and federal confidentiality laws.

Section 3. This act shall take effect July 1, 2021.



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1426
BILL TITLE:	Pregnant Women in Custody
BILL SPONSOR:	Senator Jones
EFFECTIVE DATE:	July 1, 2021

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Judiciary
3) Appropriations
4)
5)

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 1115
SPONSOR:	Representative Nixon

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No.

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	March 8, 2021
LEAD AGENCY ANALYST:	Tom Reimers, Laura Carter
ADDITIONAL ANALYST(S):	David Ensley
LEGAL ANALYST:	Ian Carnahan
FISCAL ANALYST:	Tonya Pryor

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Creates s. 907.033, F.S., that requires a provision that every female who is arrested and not released on bond within 72 hours of arrest, upon request, must be administered a pregnancy test within 24 hours after request. Each arrestee must be notified of the right to request a pregnancy test. The term “female” includes both juvenile and adult woman.

Creates s. 925.13, F.S., which defers the sentence of a confirmed (through pregnancy test or examination) pregnant woman who is convicted of a crime and sentenced to incarceration of any length. The sentence must be deferred until 12 weeks after delivery of the baby to allow for the pregnant woman to receive necessary health care for herself and the unborn child.

Provides for (section (2)(b)), upon the request of the incarcerated woman, the licensed health care provider will provide a postpartum pregnancy assessment, including information regarding any necessary medical tests, procedures, lactation support, or treatments associated with her postpartum condition. Assessments and treatments must be developed and offered in consultation with community support organizations, licensed health care professionals, social services programs, and local and state government agencies and nonprofit organizations.

Requires (section (3)(a)) each municipal and county detention facility as defined in s. 951.23, F.S., to collect information and report it to the Florida Department of Corrections (FDC or Department). This information will be compiled with information from its own institutions and published quarterly on its public website. Information includes: the total number of pregnant women who receive a sentence deferral; the total number of women who receive and who decline assistance offered in section (2)(b); the total number of births, including live births and stillbirths, including the gestational age and birth weight of each infant at the time of birth or stillbirth; the total number of women who experience complications and type of complications; total number of miscarriages.

Published information must exclude patient identifier and comply with state and federal confidentiality laws.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

All newly committed female inmates within FDC receive an initial physical exam by a physician assistant, advanced practice registered nurse or a physician within 14 days of arrival. The complete physical exam includes a complete gynecological and obstetrical history, pelvic examination, serum pregnancy test, and prenatal referral for all pregnant inmates. The Department has guidelines for the health care of pregnant inmates. All inmates either visibly pregnant or confirmed pregnant are housed at Lowell CI for the duration of her pregnancy unless a medical condition prohibits transfer or housing at that facility. A senior health care professional examines the inmate as soon as possible to confirm the pregnancy, to determine the stage of pregnancy and determine an anticipated due date. The inmate is transferred to a contracted outside community hospital for the actual delivery and will be returned to the institution when discharged by the attending obstetrician. Postpartum care is provided at the institution according to the discharge orders of the attending obstetrician. A six-week checkup is provided by the obstetrician.

Over the last four fiscal years, the number of pregnant inmates in FDC has declined.

FY 16-17 = 109 inmates; FY 17-18 = 98 inmates; FY 18-19 = 101 inmates; FY 19-20 = 69 inmates

Note that these counts are the number of different pregnant inmates that were in FDC during the year. There is overlap between years, so an inmate counted in FY 17-18 could also be included in the FY 18-19 count if she came in at the end of FY 17-18 and was still incarcerated and pregnant in FY 18-19. FY 19-20 numbers are impacted by the suspension of reception due to the COVID pandemic.

2. EFFECT OF THE BILL:

The bill defers the sentence of a verified pregnant woman who is convicted of a crime and sentenced to incarceration of any length until 12 weeks after delivery of the baby. It is unclear if the pregnant woman will remain in the custody of the jail or if they will be released. The bill does not address those females who refuse a pregnancy test or if a female is clearly pregnant and refuses a pregnancy test or exam, and whether the incarceration would still be deferred. If the Department identifies a pregnant inmate during the physical exam during the reception process to state prison, the bill is unclear as to whether the Department is required to send the inmate back to the local county detention center.

Requires that within 10 days after completing the 12-week deferral, the woman is incarcerated to serve the sentence and must be offered an appropriate assessment by a licensed health care provider during the postpartum period. The community standard for postpartum assessments is at 6 or 7 weeks after childbirth.

Line 71 refers to “the Department” but does not define within the chapter. This may refer to the Department as Line 20 refers to the Department, however, Line 50 refers to incarceration of any length, which may exclude the Department.

The bill also requires the Department to publish the number of deferrals, pregnancies, outcomes, and program participation information reported to the Department by the municipal or county detention facility. Furthermore, information is required to be published quarterly on the Department’s website and must meet state and federal confidentiality laws. Nothing is currently published by the Department regarding “such information from its own institutions” (Line 72). This leads to uncertainty as to whether the Department would now be required to collect and report the same information for any inmates currently incarcerated.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency’s core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?

Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☐

Revenues:	Unknown
Expenditures:	Unknown
Does the legislation increase local taxes or fees? If yes, explain.	No
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☒ N ☐

Revenues:	Unknown
Expenditures:	<p>Indeterminate. However, a fiscal impact may be associated with the pregnancy tests, postpartum assessments, data collection, and reporting requirements.</p> <p>If this bill is passed, the overall fiscal impact to the inmate and community supervision population is also indeterminate.</p> <p>However, when inmate population is impacted in small increments statewide, the FY 19-20 inmate variable per diem of \$22.29 is the most appropriate to use. This per diem includes costs more directly aligned with individual inmate care such as medical, food, inmate clothing, personal care items, etc. The Department's FY 19-20 average per diem for community supervision was \$6.01.</p>
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☐

Revenues:	Unknown
Expenditures:	Unknown
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

There is no Technology impact.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☐

If yes, describe the anticipated impact including any fiscal impact.

ADDITIONAL COMMENTS

N/A.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>Section 1 (lines 31-40) – This section creates a requirement to conduct a pregnancy test upon request of the female arrestee. The term “arrestee” is undefined in this section, thus it is unclear if this section would apply to individuals taken back into custody on parole/probation violations. If the term “arrestee” is intended to apply to those individuals, the Department may have to create or amend procedures to implement this section of Bill 1426.</p> <p>Section 2 (lines 43-89): this section creates a sentence deferral process for “pregnant women” whereby a sentence must be deferred for any woman who is pregnant and convicted of a crime for up to 12 weeks after birth.</p> <p>Subsection 2 (lines 48-68): this subsection creates a requirement that all woman whose sentence deferral has ended be offered within 10 days an “appropriate assessment” by a health care provider and, upon request of the woman a “postpartum pregnancy assessment.” The term “deferral” is unclear, and thus creates ambiguity as to whether the pregnant woman would continue to be housed within a county or municipal detention facility, or in the community. Additionally, while the term “postpartum pregnancy assessment” is undefined, requirements are imposed upon its development requiring that the assessment be developed in consultation with community support organizations, licensed health care professionals, social services programs, and local and state government agencies, including non-profit organizations. Rulemaking may be necessary to implement this section if passed. However, rulemaking authority is not specifically authorized within this bill in its current form.</p> <p>Subsection 3 (lines 69-89): this subsection creates a data collection and reporting requirement on municipal and county detention facilities with respect</p>
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	<p>to the number of pregnant women receiving a deferral, the number who refuse assistance, the number of births (live and stillbirths) and other demographic data, the number of complications experienced, and miscarriages. This data is to be reported by municipal and county detention facilities to the “department” which shall post that data on its public website, subject to state and federal confidentiality laws. While the term “department” is undefined, it can be implied that “Department” means the Florida Department of Corrections. This would impose a quarterly reporting requirement on the Department, which would be contingent on receiving timely data from county and municipal detention facilities. It is unknown and unclear how county and municipal detention facilities would be able to collect this type of information outside an authorization from the patient if the individual resides in the community during the deferral period, as the bill doesn’t require that healthcare providers disclose this information to those detention facilities.</p>
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Criminal Justice

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-9-21

Meeting Date

1426

Bill Number (if applicable)

Topic

Pregnant Women in Custody

Amendment Barcode (if applicable)

Name

Barbara Devane

Job Title

Address

625 E. Brenda St

Street

Phone

251-4282

Email

barbadevane1@yahoo.com

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL NOW

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/21

Meeting Date

1426

Bill Number (if applicable)

Topic Incarceration of Pregnant Women

Amendment Barcode (if applicable)

Name Nancy Daniels

Job Title Legislative Consultant

Address 103 n. Gadsden St.

Phone 850-488-6850

Street

Tallahassee

FL

32301

Email ndaniels@flpda.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/9/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1426

Bill Number (if applicable)

Topic Pregnant Women in Custody

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Dignity Florida Coalition 

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/9/21

Meeting Date

SB 1426

Bill Number (if applicable)

Topic Women in Custody

Amendment Barcode (if applicable)

Name Carrie Boyd

Job Title Policy Counsel

Address P.O. Box 10788

Street

Tallahassee

City

FL

State

32303

Zip

Phone 850-570-9560

Email carrie.boyd@splcenter.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SPLC Action Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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CS

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

1426

Bill Number (if applicable)

Topic Pregnant women in custody

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.

Phone 850-321-9386

Street

Tallahassee

FL

32301

City

State

Zip

Email fcfep@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

1426
Bill Number (if applicable)

Topic Pregnant Women in Custody

Amendment Barcode (if applicable)

Name Karen Roberts

Job Title _____

Address 935 E University Ave

Phone 727 366-4080

Street

City

State

Zip

Orange City Fl 327103

Email uct87epa@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/09/2021

Meeting Date

11591424

Bill Number (if applicable)

Topic

Ms. Jermica Jones

Amendment Barcode (if applicable)

Name

Job Title

Community Organizer

Address

2001 Bellevue Way Apt. F65

Street

Phone

(850) 661-5344

City

Tallahassee

State

FL

Zip

32304

Email

jermica@yahoo.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Dignity

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21
Meeting Date

SB 1424
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jermica Jones

Job Title Community Organizer

Address 2001 Bellem Way
Street
Tallahassee FL 32304
City State Zip

Phone (850) 66-5344

Email jermica1978@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

1426

Bill Number (if applicable)

Topic Pregnant women in custody

Amendment Barcode (if applicable)

Name Russel Meyer

Job Title Executive Director

Address 1308 Windsor Place

Phone 8134215330

Street

Tallahassee

fl

32205

City

State

Zip

Email rmeyer@floridachurches.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Faith Advocacy Office

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

1426
Bill Number (if applicable)

Topic Pregnant Women in Custody

Amendment Barcode (if applicable)

Name Karen Roberts

Job Title _____

Address 935 E University Ave

Phone 727 366-4080

Street

City

State

Zip

Orange City FL 32763

Email ucf87cpa@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

Senator Shevrin D. "Shev" Jones
214 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

To: Chair Jason W.B. Pizzo
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 4, 2021

I respectfully request that **Senate Bill 1426**, relating to Pregnant Women in Custody, be placed on the:

- ☒ Committee agenda at your earliest possible convenience.
- ☐ Next committee agenda.

A handwritten signature in black ink, appearing to be "Shev", written over a horizontal line.

Senator Shevrin Jones
Florida Senate, District 35

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1486

INTRODUCER: Senators Pizzo and Brandes

SUBJECT: Clothing-optional Locations

DATE: March 8, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	Favorable
2.			EN	
3.			RC	

I. Summary:

SB 1486 amends s. 800.03, F.S., to specifically permit being naked in public on a clothing-optional beach.

Section 800.03, F.S., provides that it is unlawful for a person to expose or exhibit his or her sexual organs in a vulgar or indecent manner while in public or private view. The exposure of sexual organs is not a violation of this section by:

- A mother breastfeeding her baby.
- An individual who is merely naked at any place provided or set apart for that purpose.

Additionally, this bill directs the Division of Recreation and Parks of the Department of Environmental Protection to amend Rule 62D-2.014(7)(b), F.A.C., to comply with this act.

Rule 62D-2.014(7)(b), F.A.C., provides that in every area of a park including bathing areas no individual shall expose his or her genitals, pubic area, the entire buttock or female breast below the top of the nipple, with less than a fully opaque covering.

This bill is effective July 1, 2021.

II. Present Situation:

Florida has multiple clothing-optional beaches along the east coast. Top clothing-optional locations include Haulover Beach, Blind Creek Beach, Playalinda and Apollo Beaches.¹ While it is permissible to be naked at clothing-optional beaches, it is unlawful to engage in sexual

¹ *Top Nude Beaches in Florida*, Visit Florida, Carlos Harrison, available at: <https://www.visitflorida.com/en-us/florida-beaches/nude.html> (last visited March 3, 2021).

activity. Many of the clothing-optional beaches advise that individuals conducting themselves in a lewd manner will be arrested.²

There are multiple ways in which a beach may be recognized as clothing-optional. For example, St. Lucie County commissioners are expected to vote on a county ordinance to officially recognize Blind Creek Beach as a clothing-optional beach.³ According to the American Association for Nude Recreation Florida Region, nude tourism has a \$7.4 billion annual economic impact for Florida.⁴

Exposure of Sexual Organs

Section 800.03, F.S., provides that it is unlawful for a person to expose or exhibit his or her sexual organs in a vulgar or indecent manner while in public or private view. The exposure of sexual organs is not a violation of this section by:

- A mother breastfeeding her baby.
- An individual who is merely naked at any place provided or set apart for that purpose.

A violation of this section is a first degree misdemeanor.⁵ A second or subsequent violation is a third degree felony.⁶

Courts have consistently held that being naked alone is not sufficient to violate s. 800.03, F.S. To trigger a violation, there must also be a “lascivious” exhibition of the sexual organs.⁷ Some counties have enacted county ordinances which specifically address public nudity.⁸ Similarly, the Florida Department of Environmental Protection (DEP) has enacted a rule that specifically prohibits nudity in parks.⁹ These local ordinances or rules may further restrict nudity in their respective jurisdictions.

² *Frequently Asked Questions*, Haulover Beach, available at: <https://www.hauloverbeach.org/faq/> (last visited March 3, 2021); *Naturist Beach Etiquette for Blind Creek Beach*, Treasure Coast Naturists, available at:

<https://www.treasurecoastnaturists.org/beach-etiquette> (last visited March 3, 2021).

³ St. Lucie County could be a step closer to having official nude beach, Al Pefley, CBS12 News January 7th 2020, available at: <https://cbs12.com/news/local/st-lucie-county-could-be-a-step-closer-to-having-official-nude-beach> (last visited March 9, 2021).

⁴ *The Economic Impact of Nude Tourism and Recreation in Florida*, *American Association for Nude Recreation Florida Region*, p. i., February 7, 2017. (On file with Senate Committee on Criminal Justice).

⁵ A first degree misdemeanor is punishable by up to one year in jail and up to a \$1,000 fine. Sections 775.082 and 775.083, F.S.

⁶ A third degree felony is punishable by up to five years in prison and up to a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

⁷ See *Hoffman v. Carson*, 250 So. 2d 891 (Fla. 1971); *Goodmakers v. State*, 450 So. 2d 888 (Fla. 2d. DCA 1984); *Duvallon v. State*, 404 So. 2d 196 (Fla. 1st DCA 1981).

⁸ Brevard County, Florida, Municipal Code art. II., s. 74-30.

⁹ Rule 62D-2.014(7)(a), F.A.C., states that in every area of a park including bathing areas no individual shall expose the human, male or female genitals, pubic area, the entire buttocks or female breast below the top of the nipple, with less than fully opaque covering.

Florida Department of Environmental Protection

The DEP is the state's lead agency for environmental management and stewardship, protecting Florida's air, water, and land.¹⁰ The DEP is divided into three primary areas:

- Land and Recreation;
- Regulatory; and
- Ecosystems Restoration.¹¹

The DEP's Division of Recreation and Parks (Division) is under the primary area of Land and Recreation. The Division includes the Florida Park Service and the Office of Greenways and Trails.¹² It is the duty of the Division to supervise, administer, regulate, and control the operation of all public parks.¹³

Section 258.007(2), F.S., provides that the Division has authority to adopt rules pursuant to ss. 120.536(1)¹⁴ and 120.54, F.S.,¹⁵ to implement provisions of law conferring duties on it and authority to impose penalties as provided in s. 258.008, F.S., for the violation of any rule authorized. The Division may prohibit or regulate any activity that lessens the safety or recreational experience of the visiting public or lessens the natural or cultural value of the park.¹⁶ The Division has enacted various rules regarding conduct in state parks. Specifically, the Division has enacted a rule to prohibit nudity in state parks.

Rule 62D-2.014(7)(b), F.A.C., provides that in every area of a park including bathing areas no individual shall expose his or her genitals, pubic area, the entire buttock or female breast below the top of the nipple, with less than a fully opaque covering. Any person who violates rules adopted under ch. 258, F.S., commits a noncriminal infraction for which ejection from all property managed by the Division and a fine of up to \$500 may be imposed by the Division.¹⁷

III. Effect of Proposed Changes:

The bill amends s. 800.03, F.S., to specifically permit being naked in public on a clothing-optional beach by adding it to the list of exceptions that a person may expose his or her sexual organs and not commit a violation.

¹⁰ *About DEP*, Florida Department of Environmental Protection, available at <https://floridadep.gov/about-dep> (last visited March 3, 2021).

¹¹ *Id.*

¹² Deputy Secretary for Land and Recreation, Florida Department of Environmental Protection, available at <https://floridadep.gov/land-and-rec> (last visited March 3, 2021).

¹³ See s. 258.004, F.S.

¹⁴ Section 120.536(1), F.S., provides that a grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.

¹⁵ Section 120.54, F.S., provides general provisions relating to an agency's rulemaking authority.

¹⁶ Rule 62D-2.014(1), F.A.C.

¹⁷ Section 258.008(1), F.S.

Section 800.03, F.S., provides that it is unlawful for a person to expose or exhibit his or her sexual organs in a vulgar or indecent manner while in public or private view. Exceptions to the prohibition of the exposure of sexual organs include:

- A mother breastfeeding her baby.
- An individual who is merely naked at any place provided or set apart for that purpose.

Additionally, this bill directs the Division of Recreation and Parks of the Department of Environmental Protection to amend Rule 62D-2.014(7)(b), F.A.C., to comply with this act.

Rule 62D-2.014(7)(b), F.A.C., provides that in every area of a park including bathing areas no individual shall expose his or her genitals, pubic area, the entire buttock or female breast below the top of the nipple, with less than a fully opaque covering.

This bill is effective July 1, 2021.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 800.03 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Pizzo

38-00732A-21

20211486__

A bill to be entitled

An act relating to clothing-optional locations; amending s. 800.03, F.S.; specifying that an exception to the commission of the offense of unlawful exposure of sexual organs includes clothing-optional beaches; requiring the Division of Recreation and Parks of the Department of Environmental Protection to amend a specified rule to comply with this act; providing an effective date.

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

Section 1. Section 800.03, Florida Statutes, is amended to read:

800.03 Exposure of sexual organs.—

(1) A person commits unlawful exposure of sexual organs by:

(a) Exposing or exhibiting his or her sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner; or

(b) Being naked in public in a vulgar or indecent manner.

(2) (a) Except as provided in paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The exposure of sexual organs by any of the following does not violate this section:

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38-00732A-21

20211486__

(a) A mother breastfeeding her baby; or

(b) An individual who is merely naked at any place provided or set apart for that purpose, including, but not limited to, a clothing-optional beach.

Section 2. By October 1, 2021, the Division of Recreation and Parks of the Department of Environmental Protection shall amend Rule 62D-2.014(7)(b), Florida Administrative Code, to comply with this act.

Section 3. This act shall take effect July 1, 2021.

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EXECUTIVE SUMMARY – NUDE TOURISM CONTRIBUTES BILLIONS TO FLORIDA

Tourism is a mainstay of Florida's economy with 107 million visitors in 2015 spending an average of \$244 million per day employing over 1.2 million people. Visitors choose Florida for many reasons, but from theme parks to beaches, Florida's temperate year-round climate facilitates a wide spectrum of activities and experiences that makes the state a global tourism leader.

Those investing and promoting Florida tourism continue to cultivate new attractions to broaden the tourism market and to remain competitive. By focusing on niche markets, or Special Interest Tourism [SIT], destinations throughout Florida can realize the economic benefits of tourism, not just mass-market heavyweights such as Orlando, Miami and Tampa. Ft Lauderdale provides a great example as one of the only destinations to begin marketing to the LGBT travel segment some 20 years ago. Now that niche market accounts for over \$1.5 billion in local spending annuallyⁱⁱ and other destinations throughout the country are rushing to catch up with this lucrative SIT market.

Nude tourism is another niche SIT market that holds billion-dollar potential for the Florida economy, particularly in rural destinations. As revealed in this study, today the state boasts an estimated:

34	NUDIST RESORTS
5,100	TOTAL ROOMS AT NUDIST RESORTS
1.2 million	ANNUAL ROOMS SOLD IN 2016
2.2 million	ANNUAL NUDIST VISITORS
22 million	ANNUAL NUDIST VISITOR NIGHTS
\$4.3 billion	ANNUAL NUDIST VISITOR DIRECT EXPENDITURE
\$7.4 billion	ANNUAL TOTAL ECONOMIC IMPACT

Regarding the potential economic impact of public nude recreation, Florida's first officially-sanctioned nude beach - **Haulover Beach in Miami** - receives some 500,000 nudist sunbathers per year earning the city \$980,000 alone just in parking fees. If just half of the sunbathers are non-residents, their total economic impact could be well over \$720 million (using Miami's average expenditure and tourism multiplier). Moreover, in a recent Zogby poll, some 28% of American adults surveyed indicated that they would consider going to a nude beach, revealing a possible untapped market for nude recreation of some **70 million Americans**.

However, **without formal recognition and support** from state, regional and local tourism and government entities, Florida may lose the economic momentum of nude tourism due to the ageing of the baby boomer generation, the current primary market. Additionally, Florida's slow acceptance of new nudist recreational destinations limits the state's attractiveness to nudists, particularly the millennial and international markets. To address these concerns, this report concludes with three recommendations to improve Florida's nudist tourism economic opportunities:

1. **RECOGNITION & EXPANSION:** VisitFlorida, local visitors bureaus and business communities need to embrace the nude tourism concept as an important niche SIT market and become advocates for promotion and expansion of clothing-optional recreation at applicable public sites.
2. **MARKETING:** Similar to recent campaigns addressing the alternative lifestyle market, VisitFlorida needs to create a focused and broad-based marketing campaign highlighting Florida's many clothing-optional opportunities.
3. **RESEARCH:** As revealed in this initial study, there is very little tourism research regarding the composition and potential of Florida's nudist market. Specific questions should be added to VisitFlorida's visitor surveys to determine demographic profile, attitudes, participation, satisfaction and expenditure.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

3/9/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

1486

Bill Number (if applicable)

Topic Clothing-Optional Locations

Amendment Barcode (if applicable)

Name Ramon Maury

Job Title CEO Maury Management Group

Address P.O. Box 10245

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City

State

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AANR-Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1498

INTRODUCER: Senators Pizzo and Perry

SUBJECT: Renaming the Criminal Punishment Code

DATE: March 8, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Jones	CJ	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1498 renames the Criminal Punishment Code (Code), Florida’s primary sentencing policy for noncapital felonies, as the Public Safety Code.

The Code currently specifies that rehabilitation, while a desired goal of the criminal justice system, is subordinate to the goal of punishment. The bill revises this statement: rehabilitation, while a desired goal, is subordinate to the goal of public safety.

The bill should not have any prison bed impact because it does not change how sentences are currently calculated under the Criminal Punishment Code, modify existing penalties, or create new penalties.

The effective date of the bill is July 1, 2021.

II. Present Situation:

In 1997, the Legislature enacted the Criminal Punishment Code¹ (Code) as Florida’s “primary sentencing policy.”² The primary purpose of the Code is to “punish the offender.”³ “Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment.”⁴ Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).⁵ Points are assigned and accrue based upon the level ranking assigned to

¹ Sections 921.002-921.0027, F.S. The Code is effective for offenses committed on or after October 1, 1998.

² See chs. 97-194 and 98-204, L.O.F.

³ Section 921.002(1)(b), F.S.

⁴ *Id.*

⁵ 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.

the primary offense, additional offenses, and prior offenses.⁶ Sentence points escalate as the level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain drug trafficking offenses. The lowest permissible sentence is any nonstate prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.

Absent mitigation,⁷ the permissible sentencing range under the Code is generally the scored lowest permissible sentence up to, and including, the maximum sentence provided in s. 775.082, F.S.⁸ However, if the offender's offense has a mandatory minimum term that is greater than the scored lowest permissible sentence, the mandatory minimum term supersedes the lowest permissible sentence scored.⁹ Further, some offenders may qualify for prison diversion under various sections of the Florida Statutes.¹⁰

III. Effect of Proposed Changes:

The bill amends numerous statutes (see "Statutes Affected" section of this analysis) to rename the Criminal Punishment Code (Code), Florida's primary sentencing policy for noncapital felonies, as the Public Safety Code.

The bill amends s. 921.002, F.S., of the Code, which, in part, specifies that rehabilitation, while a desired goal of the criminal justice system, is subordinate to the goal of punishment. The bill revises this statement: rehabilitation, while a desired goal, is subordinate to the goal of public safety.

The effective date of the bill is July 1, 2021.

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.

⁶ Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

⁷ The court may "mitigate" (reduce) the scored lowest permissible sentence if the court finds a mitigating circumstance. Sections 921.002(1)(g) and (3), 921.0026(1), and 921.00265(1) and (2), F.S. Section 921.0026(2), F.S., provides a list of mitigating circumstances. This type of sentence is often referred to as a "downward departure" sentence.

⁸ Sections 921.002(1)(g) and 921.0024(2), F.S. The sentencing court may impose sentences concurrently or consecutively. A prison sentence must exceed one year. If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

⁹ Fla. R. Crim. P. 3.704(d)(26).

¹⁰ See e.g., s. 775.082(10), F.S. (diversion for an offender whose offense is a nonviolent third degree felony and whose total sentence points are 22 points or fewer); s. 921.00241, F.S. (diversion into a Department of Corrections' prison diversion program for certain nonviolent third degree felony offenders); and s. 948.01, F.S. (diversion into a postadjudicatory treatment-based drug court program for certain nonviolent felony offenders).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill should not have any prison bed impact because it does not change how sentences are currently calculated under the Criminal Punishment Code, modify existing penalties, or create new penalties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.082, 775.087, 782.051, 817.568, 893.13, 893.20, 910.035, 921.002, 921.0022, 921.0023, 921.0024, 921.0025, 921.0026, 921.0027, 924.06, 924.07, 944.17, 948.01, 948.015, 948.06, 948.20, 948.51, 958.04, and 985.465.

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 Pizzo

38-01493-21

20211498__

A bill to be entitled

An act relating to renaming the Criminal Punishment Code; amending ss. 775.082, 775.087, 782.051, 817.568, 893.13, 910.035, 921.0022, 921.0023, 921.0024, 921.0025, 921.0026, 921.0027, 924.06, 924.07, 944.17, 948.01, 948.015, 948.06, 948.20, 948.51, 958.04, and 985.465, F.S.; renaming the Criminal Punishment Code as the Criminal Public Safety Code; amending s. 921.002, F.S.; revising a principle of the Criminal Public Safety Code; conforming provisions to changes made by the act; amending s. 893.20, F.S.; conforming a provision to changes made by the act; making a technical change; providing an effective date.

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

Section 1. Paragraphs (d) and (e) of subsection (8) of section 775.082, Florida Statutes, are amended to read:

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

(8)

(d) The Criminal ~~Public Safety Punishment~~ Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Public Safety Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing

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dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal ~~Public Safety Punishment~~ Code in effect on the beginning date of the criminal activity.

Section 2. Paragraph (c) of subsection (2) and paragraph (c) of subsection (3) of section 775.087, Florida Statutes, are amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)

(c) If the minimum mandatory terms of imprisonment imposed pursuant to this section exceed the maximum sentences authorized by s. 775.082, s. 775.084, or the Criminal Public Safety Punishment Code under chapter 921, then the mandatory minimum sentence must be imposed. If the mandatory minimum terms of imprisonment pursuant to this section are less than the sentences that could be imposed as authorized by s. 775.082, s. 775.084, or the Criminal Public Safety Punishment Code under chapter 921, then the sentence imposed by the court must include the mandatory minimum term of imprisonment as required in this section.

(3)

(c) If the minimum mandatory terms of imprisonment imposed pursuant to this section exceed the maximum sentences authorized by s. 775.082, s. 775.084, or the Criminal Public Safety Punishment Code under chapter 921, then the mandatory minimum sentence must be imposed. If the mandatory minimum terms of imprisonment pursuant to this section are less than the sentences that could be imposed as authorized by s. 775.082, s. 775.084, or the Criminal Public Safety Punishment Code under

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chapter 921, then the sentence imposed by the court must include the mandatory minimum term of imprisonment as required in this section.

Section 3. Section 782.051, Florida Statutes, is amended to read:

782.051 Attempted felony murder.—

(1) Any person who perpetrates or attempts to perpetrate any felony enumerated in s. 782.04(3) and who commits, aids, or abets an intentional act that is not an essential element of the felony and that could, but does not, cause the death of another commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 9 of the Criminal Public Safety Punishment Code. Victim injury points shall be scored under this subsection.

(2) Any person who perpetrates or attempts to perpetrate any felony other than a felony enumerated in s. 782.04(3) and who commits, aids, or abets an intentional act that is not an essential element of the felony and that could, but does not, cause the death of another commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 8 of the Criminal Public Safety Punishment Code. Victim injury points shall be scored under this subsection.

(3) When a person is injured during the perpetration of or the attempt to perpetrate any felony enumerated in s. 782.04(3) by a person other than the person engaged in the perpetration of or the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits a

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felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 7 of the Criminal Public Safety Punishment Code. Victim injury points shall be scored under this subsection.

Section 4. Subsection (3) of section 817.568, Florida Statutes, is amended to read:

817.568 Criminal use of personal identification information.—

(3) Neither paragraph (2)(b) nor paragraph (2)(c) prevents a court from imposing a greater sentence of incarceration as authorized by law. If the minimum mandatory terms of imprisonment imposed under paragraph (2)(b) or paragraph (2)(c) exceed the maximum sentences authorized under s. 775.082, s. 775.084, or the Criminal Public Safety Punishment Code under chapter 921, the mandatory minimum sentence must be imposed. If the mandatory minimum terms of imprisonment under paragraph (2)(b) or paragraph (2)(c) are less than the sentence that could be imposed under s. 775.082, s. 775.084, or the Criminal Public Safety Punishment Code under chapter 921, the sentence imposed by the court must include the mandatory minimum term of imprisonment as required by paragraph (2)(b) or paragraph (2)(c).

Section 5. Paragraph (d) of subsection (8) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(8)

(d) Notwithstanding paragraph (c), if a prescribing practitioner has violated paragraph (a) and received \$1,000 or more in payment for writing one or more prescriptions or, in the

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case of a prescription written for a controlled substance described in s. 893.135, has written one or more prescriptions for a quantity of a controlled substance which, individually or in the aggregate, meets the threshold for the offense of trafficking in a controlled substance under s. 893.135, the violation is reclassified as a felony of the second degree and ranked in level 4 of the Criminal Public Safety ~~Punishment~~ Code.

Section 6. Paragraph (f) of subsection (5) of section 910.035, Florida Statutes, is amended to read:

910.035 Transfer from county for plea, sentence, or participation in a problem-solving court.—

(5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

(f) Upon successful completion of the problem-solving court program, the jurisdiction to which the case has been transferred shall dispose of the case. If the defendant does not complete the problem-solving court program successfully, the jurisdiction to which the case has been transferred shall dispose of the case within the guidelines of the Criminal Public Safety ~~Punishment~~ Code.

Section 7. Section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Public Safety ~~Punishment~~ Code; offense severity ranking chart.—

(1) The offense severity ranking chart must be used with the Criminal Public Safety ~~Punishment~~ Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998.

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe, which are level 1 offenses, to

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most severe, which are level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense. For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling; the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775.0845, s. 775.085, s. 775.0861, s. 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or any other law that provides an enhanced penalty for a felony offense, to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921.0023.

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

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168	212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
169	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
170	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
171	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
172	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
173	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.

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174	322.212(5)(a)	3rd	False application for driver license or identification card.
175	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
176	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
177	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
178	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
179	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
180	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any

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			property not specified in subsection (2).
181	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
182	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
183	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
184	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
185	826.01	3rd	Bigamy.
186	828.122(3)	3rd	Fighting or baiting animals.
187	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

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188	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
189	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
190	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
191	838.15(2)	3rd	Commercial bribe receiving.
192	838.16	3rd	Commercial bribery.
193	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
194	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
195	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing

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			for prizes, or dispose of property or money by means of lottery.	
196				
	849.23	3rd	Gambling-related machines; "common offender" as to property rights.	
197				
	849.25(2)	3rd	Engaging in bookmaking.	
198				
	860.08	3rd	Interfere with a railroad signal.	
199				
	860.13(1) (a)	3rd	Operate aircraft while under the influence.	
200				
	893.13(2) (a)2.	3rd	Purchase of cannabis.	
201				
	893.13(6) (a)	3rd	Possession of cannabis (more than 20 grams).	
202				
	934.03(1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.	
203				
204	(b) LEVEL 2			
205				

	38-01493-21		20211498__	
	Florida	Felony		
	Statute	Degree	Description	
206				
	379.2431	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.	
	(1) (e) 3.			
207				
	379.2431	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.	
	(1) (e) 4.			
208				
	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.	
209				
	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.	
210				
	590.28(1)	3rd	Intentional burning of lands.	
211				

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	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
212			
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
213			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
214			
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
215			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
216			
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.

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

	38-01493-21		20211498__
217	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
218			
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
219			
	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
220			
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
221			
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
222			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false

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

	38-01493-21		20211498__
			representation.
223	817.60(5)	3rd	Dealing in credit cards of another.
224	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
225	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
226	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
227	831.01	3rd	Forgery.
228	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
229	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
230	831.08	3rd	Possessing 10 or more

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	38-01493-21		20211498__
			forged notes, bills, checks, or drafts.
231	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
232	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
233	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
234	843.08	3rd	False personation.
235	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.
236	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

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237
238
239

(c) LEVEL 3

240

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a

241

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244

245

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246

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248

249

250

251

		motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

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379.2431 3rd Taking, disturbing,
(1) (e) 5. mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

253 379.2431 3rd Possessing any marine
(1) (e) 6. turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

254 379.2431 3rd Soliciting to commit or
(1) (e) 7. conspiring to commit a
violation of the Marine
Turtle Protection Act.

255 400.9935(4) (a) 3rd Operating a clinic, or
or (b) offering services requiring
licensure, without a

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license.

256 400.9935(4) (e) 3rd Filing a false license
application or other
required information or
failing to report
information.

257 440.1051(3) 3rd False report of workers'
compensation fraud or
retaliation for making such
a report.

258 501.001(2) (b) 2nd Tamper with a consumer
product or the container
using materially
false/misleading
information.

259 624.401(4) (a) 3rd Transacting insurance
without a certificate of
authority.

260 624.401(4) (b) 1. 3rd Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

261

	38-01493-21		20211498__
262	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
263	697.08	3rd	Equity skimming.
264	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
265	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
266	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
267	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
268	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or

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	38-01493-21		20211498__
269			more but less than \$10,000.
270	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
271	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
272	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
273	817.233	3rd	Burning to defraud insurer.
274	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
275	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
276	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or

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	38-01493-21		20211498__	
			presenting a false or fraudulent motor vehicle insurance card.	
277				
	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.	
278				
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.	
279				
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.	
280				
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	
281				
	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.	
282				
	860.15(3)	3rd	Overcharging for repairs and parts.	
283				

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	38-01493-21		20211498__	
	870.01(2)	3rd	Riot; inciting or encouraging.	
284				
	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).	
285				
	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.	
286				
	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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facility.

287

893.13(4)(c)

3rd

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

288

893.13(6)(a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

289

893.13(7)(a)8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

290

893.13(7)(a)9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

291

893.13(7)(a)10.

3rd

Affix false or forged label
to package of controlled
substance.

292

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any
document or record required

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by chapter 893.

293

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.

294

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.

295

893.13(8)(a)3.

3rd

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

296

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

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	38-01493-21		20211498__
			prescription is a monetary benefit for the practitioner.
297	918.13(1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
298	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
299	944.47(1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
300	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
301			
302	(d) LEVEL 4		
303	Florida Statute	Felony Degree	Description
304	316.1935(3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer

	38-01493-21		20211498__
			who is in a patrol vehicle with siren and lights activated.
305	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
306	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
307	517.07(1)	3rd	Failure to register securities.
308	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
309	784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
310	784.074(1) (c)	3rd	Battery of sexually

	38-01493-21		20211498__	
			violent predators facility staff.	
311	784.075	3rd	Battery on detention or commitment facility staff.	
312	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.	
313	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	
314	784.081(3)	3rd	Battery on specified official or employee.	
315	784.082(3)	3rd	Battery by detained person on visitor or other detainee.	
316	784.083(3)	3rd	Battery on code inspector.	
317	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling	

	38-01493-21		20211498__	
			certain fluids or materials.	
318	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.	
319	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	
320	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	
321	787.07	3rd	Human smuggling.	
322	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	
323	790.115(2)(b)	3rd	Possessing electric	

	38-01493-21		20211498__	
			weapon or device, destructive device, or other weapon on school property.	
324	790.115(2)(c)	3rd	Possessing firearm on school property.	
325	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	
326	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	
327	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	
328	810.06	3rd	Burglary; possession of tools.	
329	810.08(2)(c)	3rd	Trespass on property, armed with firearm or	

	38-01493-21		20211498__	
			dangerous weapon.	
330	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	
331	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items.	
332	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.	
333	817.505(4)(a)	3rd	Patient brokering.	
334	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	
335	817.568(2)(a)	3rd	Fraudulent use of personal identification information.	
336	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or	

	38-01493-21		20211498__
			reencoder.
337	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
338	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
339	837.02(1)	3rd	Perjury in official proceedings.
340	837.021(1)	3rd	Make contradictory statements in official proceedings.
341	838.022	3rd	Official misconduct.
342	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
343	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.

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

	38-01493-21		20211498__
344	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
345	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
346	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
347	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
348	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
349	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a),

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	38-01493-21		20211498__
			(2) (b), or (2) (c) 5. drugs).
350	914.14 (2)	3rd	Witnesses accepting bribes.
351	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
352	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
353	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
354	918.12	3rd	Tampering with jurors.
355	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
356	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular

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	38-01493-21		20211498__
			telephone or other portable communication device) into correctional institution.
357	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.
358			
359	(e) LEVEL 5		
360	Florida Statute	Felony Degree	Description
361	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
362	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
363			

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	38-01493-21		20211498__
	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
364			
	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
365			
	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
366			
	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering,

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	38-01493-21		20211498__
			forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
367			
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
368			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
369			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
370			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
371			

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	38-01493-21		20211498__
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
372	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
373	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
374	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
375	790.01(2)	3rd	Carrying a concealed firearm.
376	790.162	2nd	Threat to throw or discharge destructive

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	38-01493-21		20211498__
			device.
377	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
378	790.221(1)	2nd	Possession of short- barreled shotgun or machine gun.
379	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
380	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
381	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
382	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
383	806.111(1)	3rd	Possess, manufacture, or

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	38-01493-21		20211498__	
			dispense fire bomb with	
			intent to damage any	
			structure or property.	
384	812.0145(2)(b)	2nd	Theft from person 65	
			years of age or older;	
			\$10,000 or more but less	
			than \$50,000.	
385	812.015	3rd	Retail theft; property	
	(8)(a) & (c)-(e)		stolen is valued at \$750	
			or more and one or more	
			specified acts.	
386	812.019(1)	2nd	Stolen property; dealing	
			in or trafficking in.	
387	812.131(2)(b)	3rd	Robbery by sudden	
			snatching.	
388	812.16(2)	3rd	Owning, operating, or	
			conducting a chop shop.	
389	817.034(4)(a)2.	2nd	Communications fraud,	
			value \$20,000 to	
			\$50,000.	
390	817.234(11)(b)	2nd	Insurance fraud;	
			property value \$20,000	

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	38-01493-21		20211498__	
			or more but less than	
			\$100,000.	
391	817.2341(1),	3rd	Filing false financial	
	(2)(a) & (3)(a)		statements, making false	
			entries of material fact	
			or false statements	
			regarding property	
			values relating to the	
			solvency of an insuring	
			entity.	
392	817.568(2)(b)	2nd	Fraudulent use of	
			personal identification	
			information; value of	
			benefit, services	
			received, payment	
			avoided, or amount of	
			injury or fraud, \$5,000	
			or more or use of	
			personal identification	
			information of 10 or	
			more persons.	
393	817.611(2)(a)	2nd	Traffic in or possess 5	
			to 14 counterfeit credit	
			cards or related	
			documents.	
394				

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	38-01493-21		20211498__
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
395			
	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
396			
	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
397			
	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
398			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious

	38-01493-21		20211498__
			physical injury, or death.
399			
	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
400			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
401			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
402			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
403			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
404			

	38-01493-21		20211498__
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
405			
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
406			
	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
407			
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state,

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			county, or municipal park or publicly owned recreational facility or community center.
408			
	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
409			
	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
410			
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or

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	38-01493-21		20211498__
			other s. 893.03(1) (a),
			(1) (b), (1) (d), or
			(2) (a), (2) (b), or
			(2) (c) 5. drugs) within
			1,000 feet of public
			housing facility.
411	893.13(4) (b)	2nd	Use or hire of minor;
			deliver to minor other
			controlled substance.
412	893.1351(1)	3rd	Ownership, lease, or
			rental for trafficking
			in or manufacturing of
			controlled substance.
413			
414	(f) LEVEL 6		
415			
	Florida	Felony	
	Statute	Degree	Description
416	316.027(2) (b)	2nd	Leaving the scene of a
			crash involving serious
			bodily injury.
417	316.193(2) (b)	3rd	Felony DUI, 4th or
			subsequent conviction.
418	400.9935(4) (c)	2nd	Operating a clinic, or

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			offering services
			requiring licensure,
			without a license.
419	499.0051(2)	2nd	Knowing forgery of
			transaction history,
			transaction information,
			or transaction
			statement.
420	499.0051(3)	2nd	Knowing purchase or
			receipt of prescription
			drug from unauthorized
			person.
421	499.0051(4)	2nd	Knowing sale or transfer
			of prescription drug to
			unauthorized person.
422	775.0875(1)	3rd	Taking firearm from law
			enforcement officer.
423	784.021(1) (a)	3rd	Aggravated assault;
			deadly weapon without
			intent to kill.
424	784.021(1) (b)	3rd	Aggravated assault;
			intent to commit felony.
425			

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	784.041	3rd	Felony battery; domestic battery by strangulation.
426			
	784.048(3)	3rd	Aggravated stalking; credible threat.
427			
	784.048(5)	3rd	Aggravated stalking of person under 16.
428			
	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
429			
	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
430			
	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
431			
	784.081(2)	2nd	Aggravated assault on specified official or employee.
432			
	784.082(2)	2nd	Aggravated assault by detained person on visitor or other

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	38-01493-21		20211498__
			detainee.
433			
	784.083(2)	2nd	Aggravated assault on code inspector.
434			
	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
435			
	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
436			
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
437			
	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.
438			
	790.19	2nd	Shooting or throwing deadly missiles into

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			dwellings, vessels, or	
			vehicles.	
439	794.011(8)(a)	3rd	Solicitation of minor to	
			participate in sexual	
			activity by custodial	
440			adult.	
	794.05(1)	2nd	Unlawful sexual activity	
			with specified minor.	
441	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	
442			than 18 years.	
	800.04(6)(b)	2nd	Lewd or lascivious	
			conduct; offender 18	
443			years of age or older.	
	806.031(2)	2nd	Arson resulting in great	
			bodily harm to	
			firefighter or any other	
			person.	
444	810.02(3)(c)	2nd	Burglary of occupied	
			structure; unarmed; no	

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	38-01493-21		20211498__	
			assault or battery.	
445	810.145(8)(b)	2nd	Video voyeurism; certain	
			minor victims; 2nd or	
446			subsequent offense.	
	812.014(2)(b)1.	2nd	Property stolen \$20,000	
			or more, but less than	
			\$100,000, grand theft in	
447			2nd degree.	
	812.014(6)	2nd	Theft; property stolen	
			\$3,000 or more;	
448			coordination of others.	
	812.015(9)(a)	2nd	Retail theft; property	
			stolen \$750 or more;	
449			second or subsequent	
	812.015(9)(b)	2nd	conviction.	
			Retail theft; aggregated	
			property stolen within	
			30 days is \$3,000 or	
			more; coordination of	
450			others.	
	812.13(2)(c)	2nd	Robbery, no firearm or	
			other weapon (strong-arm	
			robbery).	

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	38-01493-21		20211498__
451	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
452	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
453	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
454	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
455	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
456	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
457	827.03 (2) (c)	3rd	Abuse of a child.
458			

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459	827.03 (2) (d)	3rd	Neglect of a child.
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
460	836.05	2nd	Threats; extortion.
461	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
462	843.12	3rd	Aids or assists person to escape.
463	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
464	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
465			

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	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
466	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
467	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
468	944.40	2nd	Escapes.
469	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
470	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive)

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			into correctional facility.
471	951.22 (1) (i)	3rd	Firearm or weapon introduced into county detention facility.
472	(g) LEVEL 7		
473			
474	Florida	Felony	
	Statute	Degree	Description
475	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
476	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
477	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

	38-01493-21		20211498__
478	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
479	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
480	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
481	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
482	456.065 (2)	3rd	Practicing a health care profession without a license.
483	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
484	458.327 (1)	3rd	Practicing medicine without a license.

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485	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
486	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
487	461.012 (1)	3rd	Practicing podiatric medicine without a license.
488	462.17	3rd	Practicing naturopathy without a license.
489	463.015 (1)	3rd	Practicing optometry without a license.
490	464.016 (1)	3rd	Practicing nursing without a license.
491	465.015 (2)	3rd	Practicing pharmacy without a license.
492	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
493			

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	38-01493-21		20211498__
	467.201	3rd	Practicing midwifery without a license.
494			
	468.366	3rd	Delivering respiratory care services without a license.
495			
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
496			
	483.901(7)	3rd	Practicing medical physics without a license.
497			
	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
498			
	484.053	3rd	Dispensing hearing aids without a license.
499			
	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.
500			

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	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.
501			
	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
502			
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
503			
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
504			
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
505			
	775.21(10)(g)	3rd	Failure to report or

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			providing false	
			information about a sexual	
			predator; harbor or	
506			conceal a sexual predator.	
	782.051(3)	2nd	Attempted felony murder of	
			a person by a person other	
			than the perpetrator or	
			the perpetrator of an	
507			attempted felony.	
	782.07(1)	2nd	Killing of a human being	
			by the act, procurement,	
			or culpable negligence of	
508			another (manslaughter).	
	782.071	2nd	Killing of a human being	
			or unborn child by the	
			operation of a motor	
			vehicle in a reckless	
			manner (vehicular	
509			homicide).	
	782.072	2nd	Killing of a human being	
			by the operation of a	
			vessel in a reckless	
			manner (vessel homicide).	
510				
	784.045(1)(a)1.	2nd	Aggravated battery;	

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			intentionally causing	
			great bodily harm or	
			disfigurement.	
511				
	784.045(1)(a)2.	2nd	Aggravated battery; using	
			deadly weapon.	
512				
	784.045(1)(b)	2nd	Aggravated battery;	
			perpetrator aware victim	
			pregnant.	
513				
	784.048(4)	3rd	Aggravated stalking;	
			violation of injunction or	
			court order.	
514				
	784.048(7)	3rd	Aggravated stalking;	
			violation of court order.	
515				
	784.07(2)(d)	1st	Aggravated battery on law	
			enforcement officer.	
516				
	784.074(1)(a)	1st	Aggravated battery on	
			sexually violent predators	
			facility staff.	
517				
	784.08(2)(a)	1st	Aggravated battery on a	
			person 65 years of age or	
			older.	
518				

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519	784.081(1)	1st	Aggravated battery on specified official or employee.
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
520	784.083(1)	1st	Aggravated battery on code inspector.
521	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
522	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.
523	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
524	790.16(1)	1st	Discharge of a machine gun under specified

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525			circumstances.
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
526	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
527	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
528	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
529	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
530			

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	38-01493-21		20211498__
	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.
531	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
532	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
533	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
534	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
535	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12

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			years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
536	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
537	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
538	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
539	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
540	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
541	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer;

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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.

812.0145(2)(a)

1st

Theft from person 65 years
of age or older; \$50,000
or more.

812.019(2)

1st

Stolen property;
initiates, organizes,
plans, etc., the theft of
property and traffics in
stolen property.

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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
(2)(b) & (3)(b)

1st

Making false entries of
material fact or false
statements regarding
property values relating
to the solvency of an
insuring entity which are

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	38-01493-21		20211498__	
			a significant cause of the	
			insolvency of that entity.	
554	817.535 (2) (a)	3rd	Filing false lien or other	
			unauthorized document.	
555	817.611 (2) (b)	2nd	Traffic in or possess 15	
			to 49 counterfeit credit	
			cards or related	
556			documents.	
	825.102 (3) (b)	2nd	Neglecting an elderly	
			person or disabled adult	
			causing great bodily harm,	
			disability, or	
557			disfigurement.	
	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.	
558	827.03 (2) (b)	2nd	Neglect of a child causing	
			great bodily harm,	
			disability, or	
			disfigurement.	
559	827.04 (3)	3rd	Impregnation of a child	

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			under 16 years of age by	
			person 21 years of age or	
			older.	
560	837.05 (2)	3rd	Giving false information	
			about alleged capital	
			felony to a law	
			enforcement officer.	
561	838.015	2nd	Bribery.	
562	838.016	2nd	Unlawful compensation or	
			reward for official	
			behavior.	
563	838.021 (3) (a)	2nd	Unlawful harm to a public	
			servant.	
564	838.22	2nd	Bid tampering.	
565	843.0855 (2)	3rd	Impersonation of a public	
			officer or employee.	
566	843.0855 (3)	3rd	Unlawful simulation of	
			legal process.	
567	843.0855 (4)	3rd	Intimidation of a public	
			officer or employee.	
568				

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	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
569			
	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
570			
	872.06	2nd	Abuse of a dead human body.
571			
	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
572			
	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
573			
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or

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			(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.
574			
	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.
575			
	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
576			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
577			
	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less

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578 than 200 grams.

893.135 1st Trafficking in illegal
(1) (c) 1.a. drugs, more than 4 grams,
less than 14 grams.

579 893.135 1st Trafficking in
(1) (c) 2.a. hydrocodone, 28 grams or
more, less than 50 grams.

580 893.135 1st Trafficking in
(1) (c) 2.b. hydrocodone, 50 grams or
more, less than 100 grams.

581 893.135 1st Trafficking in oxycodone,
(1) (c) 3.a. 7 grams or more, less than
14 grams.

582 893.135 1st Trafficking in oxycodone,
(1) (c) 3.b. 14 grams or more, less
than 25 grams.

583 893.135 1st Trafficking in fentanyl, 4
(1) (c) 4.b. (I) grams or more, less than
14 grams.

584 893.135 1st Trafficking in
(1) (d) 1.a. phencyclidine, 28 grams or
more, less than 200 grams.

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585 893.135 (1) (e) 1. 1st Trafficking in
methaqualone, 200 grams or
more, less than 5
kilograms.

586 893.135 (1) (f) 1. 1st Trafficking in
amphetamine, 14 grams or
more, less than 28 grams.

587 893.135 1st Trafficking in
(1) (g) 1.a. flunitrazepam, 4 grams or
more, less than 14 grams.

588 893.135 1st Trafficking in gamma-
(1) (h) 1.a. hydroxybutyric acid (GHB),
1 kilogram or more, less
than 5 kilograms.

589 893.135 1st Trafficking in 1,4-
(1) (j) 1.a. Butanediol, 1 kilogram or
more, less than 5
kilograms.

590 893.135 1st Trafficking in
(1) (k) 2.a. Phenethylamines, 10 grams
or more, less than 200
grams.

591

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

	38-01493-21		20211498__
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or
592			more, less than 500 grams.
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or
			more, less than 1,000
593			grams.
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams
			or more, less than 100
594			grams.
	893.1351(2)	2nd	Possession of place for
			trafficking in or
			manufacturing of
595			controlled substance.
	896.101(5) (a)	3rd	Money laundering,
			financial transactions
			exceeding \$300 but less
			than \$20,000.
596			
	896.104(4) (a) 1.	3rd	Structuring transactions
			to evade reporting or
			registration requirements,
			financial transactions
			exceeding \$300 but less

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	38-01493-21		20211498__
			than \$20,000.
597			
	943.0435(4) (c)	2nd	Sexual offender vacating
			permanent residence;
			failure to comply with
598			reporting requirements.
	943.0435(8)	2nd	Sexual offender; remains
			in state after indicating
			intent to leave; failure
			to comply with reporting
599			requirements.
	943.0435(9) (a)	3rd	Sexual offender; failure
			to comply with reporting
			requirements.
600			
	943.0435(13)	3rd	Failure to report or
			providing false
			information about a sexual
			offender; harbor or
			conceal a sexual offender.
601			
	943.0435(14)	3rd	Sexual offender; failure
			to report and reregister;
			failure to respond to
			address verification;
			providing false
			registration information.

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602	38-01493-21	20211498__	
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
603	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
604	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
605	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
606	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
607	985.4815(12)	3rd	Failure to report or providing false information about a sexual

	38-01493-21	20211498__	
			offender; harbor or conceal a sexual offender.
608	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
609	(h) LEVEL 8		
610			
611	Florida Statute	Felony Degree	Description
612	316.193	2nd	DUI manslaughter.
	(3)(c)3.a.		
613	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
614	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
615	499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
616			

	38-01493-21		20211498	
617	499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.	
	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.	
618	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	
619	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	
620	777.03(2)(a)	1st	Accessory after the fact, capital felony.	
621				

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

	38-01493-21		20211498	
	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.	
622	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	
623	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	
624	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	
625				

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

	38-01493-21		20211498	
	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.	
626				
	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.	
627				
	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.	
628				
	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.	
629				
	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.	
630				

	38-01493-21		20211498	
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.	
631				
	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.	
632				
	794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.	
633				
	794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.	
634				
	794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older;	

	38-01493-21		20211498__	offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
635	794.08 (3)	2nd		Female genital mutilation, removal of a victim younger than 18 years of age from this state.
636	800.04 (4) (b)	2nd		Lewd or lascivious battery.
637	800.04 (4) (c)	1st		Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
638	806.01 (1)	1st		Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
639	810.02 (2) (a)	1st, PBL		Burglary with assault or battery.

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	38-01493-21		20211498__	
640	810.02 (2) (b)	1st, PBL		Burglary; armed with explosives or dangerous weapon.
641	810.02 (2) (c)	1st		Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
642	812.014 (2) (a) 2.	1st		Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
643	812.13 (2) (b)	1st		Robbery with a weapon.
644	812.135 (2) (c)	1st		Home-invasion robbery, no firearm, deadly weapon, or other weapon.
645	817.505 (4) (c)	1st		Patient brokering; 20 or more patients.
646	817.535 (2) (b)	2nd		Filing false lien or other unauthorized document; second or subsequent offense.

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647 817.535(3)(a) 2nd Filing false lien or
other unauthorized
document; property owner
is a public officer or
employee.

648 817.535(4)(a)1. 2nd Filing false lien or
other unauthorized
document; defendant is
incarcerated or under
supervision.

649 817.535(5)(a) 2nd Filing false lien or
other unauthorized
document; owner of the
property incurs financial
loss as a result of the
false instrument.

650 817.568(6) 2nd Fraudulent use of
personal identification
information of an
individual under the age
of 18.

651 817.611(2)(c) 1st Traffic in or possess 50
or more counterfeit
credit cards or related

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652 documents.

825.102(2) 1st Aggravated abuse of an
elderly person or
disabled adult.

653 825.1025(2) 2nd Lewd or lascivious
battery upon an elderly
person or disabled adult.

654 825.103(3)(a) 1st Exploiting an elderly
person or disabled adult
and property is valued at
\$50,000 or more.

655 837.02(2) 2nd Perjury in official
proceedings relating to
prosecution of a capital
felony.

656 837.021(2) 2nd Making contradictory
statements in official
proceedings relating to
prosecution of a capital
felony.

657 860.121(2)(c) 1st Shooting at or throwing
any object in path of
railroad vehicle

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	38-01493-21		20211498__
			resulting in great bodily harm.
658	860.16	1st	Aircraft piracy.
659	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
660	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
661	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
662	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
663	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
664	893.135	1st	Trafficking in illegal

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	38-01493-21		20211498__
	(1)(c)1.b.		drugs, more than 14 grams, less than 28 grams.
665	893.135(1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
666	893.135(1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
667	893.135(1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
668	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
669	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
670	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or

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	38-01493-21		20211498__	
			more, less than 200	
671			grams.	
	893.135	1st	Trafficking in	
	(1) (g) 1.b.		flunitrazepam, 14 grams	
			or more, less than 28	
672			grams.	
	893.135	1st	Trafficking in gamma-	
	(1) (h) 1.b.		hydroxybutyric acid	
			(GHB), 5 kilograms or	
			more, less than 10	
673			kilograms.	
	893.135	1st	Trafficking in 1,4-	
	(1) (j) 1.b.		Butanediol, 5 kilograms	
			or more, less than 10	
674			kilograms.	
	893.135	1st	Trafficking in	
	(1) (k) 2.b.		Phenethylamines, 200	
			grams or more, less than	
675			400 grams.	
	893.135	1st	Trafficking in synthetic	
	(1) (m) 2.c.		cannabinoids, 1,000 grams	
			or more, less than 30	
676			kilograms.	

	38-01493-21		20211498__	
	893.135	1st	Trafficking in n-benzyl	
	(1) (n) 2.b.		phenethylamines, 100	
			grams or more, less than	
677			200 grams.	
	893.1351(3)	1st	Possession of a place	
			used to manufacture	
			controlled substance when	
678			minor is present or	
			resides there.	
	895.03(1)	1st	Use or invest proceeds	
			derived from pattern of	
679			racketeering activity.	
	895.03(2)	1st	Acquire or maintain	
			through racketeering	
			activity any interest in	
			or control of any	
680			enterprise or real	
			property.	
	895.03(3)	1st	Conduct or participate in	
			any enterprise through	
			pattern of racketeering	
681			activity.	
	896.101(5) (b)	2nd	Money laundering,	
			financial transactions	

	38-01493-21		20211498	
				totaling or exceeding \$20,000, but less than \$100,000.
682	896.104 (4) (a) 2.	2nd		Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
683				
684	(i) LEVEL 9			
685				
	Florida	Felony		
	Statute	Degree	Description	
686				
	316.193	1st		DUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.			
687				
	327.35	1st		BUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.			
688				
	409.920	1st		Medicaid provider fraud; \$50,000 or more.
	(2) (b) 1.c.			
689				
	499.0051 (8)	1st		Knowing sale or purchase

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	38-01493-21		20211498__	of contraband prescription drugs resulting in great bodily harm.
690	560.123 (8) (b) 3.	1st		Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
691	560.125 (5) (c)	1st		Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
692	655.50 (10) (b) 3.	1st		Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
693	775.0844	1st		Aggravated white collar crime.
694	782.04 (1)	1st		Attempt, conspire, or solicit to commit

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	38-01493-21		20211498__
			premeditated murder.
695	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
696	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .
697	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
698	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
699	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
700			

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	38-01493-21		20211498__
	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
701	787.02 (3) (a)	1st, PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
702	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
703	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
704	787.06 (3) (f) 1.	1st, PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to

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	38-01493-21		20211498__	
				within the state.
705	790.161	1st		Attempted capital destructive device offense.
706	790.166(2)	1st,PBL		Possessing, selling, using, or attempting to use a weapon of mass destruction.
707	794.011(2)	1st		Attempted sexual battery; victim less than 12 years of age.
708	794.011(2)	Life		Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
709	794.011(4)(a)	1st,PBL		Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
710	794.011(4)(b)	1st		Sexual battery, certain

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	38-01493-21		20211498__	
				circumstances; victim and offender 18 years of age or older.
711	794.011(4)(c)	1st		Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
712	794.011(4)(d)	1st,PBL		Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
713	794.011(8)(b)	1st,PBL		Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
714	794.08(2)	1st		Female genital mutilation; victim younger than 18 years of age.
715	800.04(5)(b)	Life		Lewd or lascivious molestation; victim less

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	38-01493-21		20211498__
			than 12 years; offender
			18 years or older.
716	812.13(2)(a)	1st, PBL	Robbery with firearm or
			other deadly weapon.
717	812.133(2)(a)	1st, PBL	Carjacking; firearm or
			other deadly weapon.
718	812.135(2)(b)	1st	Home-invasion robbery
			with weapon.
719	817.535(3)(b)	1st	Filing false lien or
			other unauthorized
			document; second or
			subsequent offense;
			property owner is a
			public officer or
			employee.
720	817.535(4)(a)2.	1st	Filing false claim or
			other unauthorized
			document; defendant is
			incarcerated or under
			supervision.
721	817.535(5)(b)	1st	Filing false lien or
			other unauthorized
			document; second or

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	38-01493-21		20211498__
			subsequent offense; owner
			of the property incurs
			financial loss as a
			result of the false
			instrument.
722	817.568(7)	2nd, PBL	Fraudulent use of
			personal identification
			information of an
			individual under the age
			of 18 by his or her
			parent, legal guardian,
			or person exercising
			custodial authority.
723	827.03(2)(a)	1st	Aggravated child abuse.
724	847.0145(1)	1st	Selling, or otherwise
			transferring custody or
			control, of a minor.
725	847.0145(2)	1st	Purchasing, or otherwise
			obtaining custody or
			control, of a minor.
726	859.01	1st	Poisoning or introducing
			bacteria, radioactive
			materials, viruses, or
			chemical compounds into

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	38-01493-21		20211498__	
			food, drink, medicine, or	
			water with intent to kill	
727			or injure another person.	
	893.135	1st	Attempted capital	
			trafficking offense.	
728				
	893.135(1)(a)3.	1st	Trafficking in cannabis,	
			more than 10,000 lbs.	
729				
	893.135	1st	Trafficking in cocaine,	
	(1)(b)1.c.		more than 400 grams, less	
			than 150 kilograms.	
730				
	893.135	1st	Trafficking in illegal	
	(1)(c)1.c.		drugs, more than 28	
			grams, less than 30	
			kilograms.	
731				
	893.135	1st	Trafficking in	
	(1)(c)2.d.		hydrocodone, 300 grams or	
			more, less than 30	
			kilograms.	
732				
	893.135	1st	Trafficking in oxycodone,	
	(1)(c)3.d.		100 grams or more, less	
			than 30 kilograms.	
733				
	893.135	1st	Trafficking in fentanyl,	

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	(1)(c)4.b.(III)		28 grams or more.	
734				
	893.135	1st	Trafficking in	
	(1)(d)1.c.		phencyclidine, 400 grams	
			or more.	
735				
	893.135	1st	Trafficking in	
	(1)(e)1.c.		methaqualone, 25	
			kilograms or more.	
736				
	893.135	1st	Trafficking in	
	(1)(f)1.c.		amphetamine, 200 grams or	
			more.	
737				
	893.135	1st	Trafficking in gamma-	
	(1)(h)1.c.		hydroxybutyric acid	
			(GHB), 10 kilograms or	
			more.	
738				
	893.135	1st	Trafficking in 1,4-	
	(1)(j)1.c.		Butanediol, 10 kilograms	
			or more.	
739				
	893.135	1st	Trafficking in	
	(1)(k)2.c.		Phenethylamines, 400	
			grams or more.	
740				
	893.135	1st	Trafficking in synthetic	
	(1)(m)2.d.		cannabinoids, 30	

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741	38-01493-21	20211498	kilograms or more.
	893.135	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
742	(1) (n) 2.c.		
	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
743	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
744	(j) LEVEL 10		
745	Florida Statute	Felony Degree	Description
746	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
747			
748	782.04 (2)	1st, PBL	Unlawful killing of

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749	38-01493-21	20211498	human; act is homicide, unpremeditated.
	782.07 (3)	1st	Aggravated manslaughter of a child.
750	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
751	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
752	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
753	787.06 (4) (a)	Life	Selling or buying of minors into human trafficking.
754			

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794.011(3) Life Sexual battery; victim
12 years or older,
offender uses or
threatens to use deadly
weapon or physical force
to cause serious injury.

812.135(2)(a) 1st,PBL Home-invasion robbery
with firearm or other
deadly weapon.

876.32 1st Treason against the
state.

Section 8. Section 921.0023, Florida Statutes, is amended
to read:

921.0023 Criminal Public Safety Punishment Code; ranking
unlisted felony offenses.—A felony offense committed on or after
October 1, 1998, that is not listed in s. 921.0022 is ranked
with respect to offense severity level by the Legislature,
commensurate with the harm or potential harm that is caused by
the offense to the community. Until the Legislature specifically
assigns an offense to a severity level in the offense severity
ranking chart, the severity level is within the following
parameters:

- (1) A felony of the third degree within offense level 1.
- (2) A felony of the second degree within offense level 4.
- (3) A felony of the first degree within offense level 7.
- (4) A felony of the first degree punishable by life within

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offense level 9.

(5) A life felony within offense level 10.

Section 9. Section 921.0024, Florida Statutes, is amended
to read:

921.0024 Criminal Public Safety Punishment Code; worksheet
computations; scoresheets.—

(1)(a) The Criminal Public Safety Punishment Code worksheet
is used to compute the subtotal and total sentence points as
follows:

FLORIDA Criminal Public Safety Punishment Code
WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=
9	92	=
8	74	=
7	56	=
6	36	=

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5	28	=	
4	22	=	
3	16	=	
2	10	=	
1	4	=	

Total

Additional Offenses

Level	Sentence Points	Counts	Total
10	58	x =
9	46	x =
8	37	x =
7	28	x =
6	18	x =

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5	5.4	x	=
4	3.6	x	=
3	2.4	x	=
2	1.2	x	=
1	0.7	x	=
M	0.2	x	=

Total

Victim Injury

Level	Sentence Points	Number	Total
2nd degree murder-death	240	x =
Death	120	x =
Severe	40	x =

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824	Moderate	18	x	=
825	Slight	4	x	=
826	Sexual penetration	80	x	=
827	Sexual contact	40	x	=
828						
829					Total	
830	Primary Offense + Additional Offenses + Victim Injury =					
831	TOTAL OFFENSE SCORE					
832						
833	PRIOR RECORD SCORE					
834						
835	Prior Record					
836	Level	Sentence Points	Number			Total
837	10	29	x	=
838	9	23	x	=
	8	19	x	=

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839	38-01493-21				20211498__	
840	7	14	x	=
841	6	9	x	=
842	5	3.6	x	=
843	4	2.4	x	=
844	3	1.6	x	=
845	2	0.8	x	=
846	1	0.5	x	=
847	M	0.2	x	=
848						
849					Total	
850	TOTAL OFFENSE SCORE.....					
851	TOTAL PRIOR RECORD SCORE.....					
852						
853	LEGAL STATUS.....					
854	COMMUNITY SANCTION VIOLATION.....					
855	PRIOR SERIOUS FELONY.....					
856	PRIOR CAPITAL FELONY.....					
857	FIREARM OR SEMIAUTOMATIC WEAPON.....					

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SUBTOTAL.....

PRISON RELEASEE REOFFENDER (no) (yes).....

VIOLENT CAREER CRIMINAL (no) (yes).....

HABITUAL VIOLENT OFFENDER (no) (yes).....

HABITUAL OFFENDER (no) (yes).....

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

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

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

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

DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes) (x multiplier).....

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

.....

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

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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 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

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

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

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001(6), an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine

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gun as defined in s. 790.001(9), an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

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

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

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Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are

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multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

(2) The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure. The lowest permissible sentence is any nonstate prison sanction in which the total sentence points equals or is less than 44 points, unless the court determines within its discretion that a prison sentence, which may be up to the statutory maximums for the offenses committed, is appropriate. When the total sentence points exceeds 44 points, the lowest permissible sentence in prison months shall be calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. The total sentence points shall be calculated only as a means of determining the lowest permissible sentence. The permissible range for sentencing shall be the lowest permissible sentence up to and including the statutory maximum, as defined in s. 775.082, for the primary offense and any additional offenses before the court for sentencing. The sentencing court may impose such sentences concurrently or consecutively. However, any sentence to state prison must exceed 1 year. If the lowest permissible sentence under the code exceeds the statutory maximum sentence as provided in s. 775.082, the sentence required by the code must be imposed. If the total sentence points are greater than or equal to 363, the court may sentence the offender to life imprisonment. An offender sentenced to life imprisonment under

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this section is not eligible for any form of discretionary early release, except executive clemency or conditional medical release under s. 947.149.

(3) A single digitized scoresheet shall be prepared for each defendant to determine the permissible range for the sentence that the court may impose, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines or the code, separate digitized scoresheets must be prepared. The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. The state attorney shall prepare the digitized scoresheet or scoresheets, which must be presented to the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

(4) The Department of Corrections, in consultation with the Office of the State Courts Administrator, state attorneys, and public defenders, must develop and submit the revised digitized Criminal Public Safety ~~Punishment~~ Code scoresheet to the Supreme Court for approval by June 15 of each year, as necessary. The digitized scoresheet shall have individual, structured data cells for each data field on the scoresheet. Upon the Supreme Court's approval of the revised digitized scoresheet, the Department of Corrections shall produce and provide the revised digitized scoresheets by September 30 of each year, as necessary. Digitized scoresheets must include individual data cells to indicate whether any prison sentence imposed includes a mandatory minimum sentence or the sentence imposed was a

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downward departure from the lowest permissible sentence under the Criminal Public Safety ~~Punishment~~ Code.

(5) The Department of Corrections shall make available the digitized Criminal Public Safety ~~Punishment~~ Code scoresheets to those persons charged with the responsibility for preparing scoresheets.

(6) The clerk of the circuit court shall transmit a complete and accurate digitized copy of the Criminal Public Safety ~~Punishment~~ Code scoresheet used in each sentencing proceeding to the Department of Corrections. Scoresheets must be electronically transmitted no less frequently than monthly, by the first of each month, and may be sent collectively.

(7) A digitized sentencing scoresheet must be prepared for every defendant who is sentenced for a felony offense. The individual offender's digitized Criminal Public Safety ~~Punishment~~ Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation and submission of felony sentencing scoresheets, must be included with the uniform judgment and sentence form provided to the Department of Corrections.

Section 10. Section 921.0025, Florida Statutes, is amended to read:

921.0025 Adoption and implementation of revised sentencing scoresheets.—Rules 3.701, 3.702, 3.703, and 3.988, Florida Rules of Criminal Procedure, as revised by the Supreme Court, and any other rule pertaining to the preparation and submission of felony sentencing scoresheets, are adopted and implemented in accordance with this chapter for application to the Criminal

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1090 Public Safety Punishment Code.

1091 Section 11. Paragraph (m) of subsection (2) of section
1092 921.0026, Florida Statutes, is amended to read:

1093 921.0026 Mitigating circumstances.—This section applies to
1094 any felony offense, except any capital felony, committed on or
1095 after October 1, 1998.

1096 (2) Mitigating circumstances under which a departure from
1097 the lowest permissible sentence is reasonably justified include,
1098 but are not limited to:

1099 (m) The defendant's offense is a nonviolent felony, the
1100 defendant's Criminal Public Safety Punishment Code scoresheet
1101 total sentence points under s. 921.0024 are 60 points or fewer,
1102 and the court determines that the defendant is amenable to the
1103 services of a postadjudicatory treatment-based drug court
1104 program and is otherwise qualified to participate in the program
1105 as part of the sentence. For purposes of this paragraph, the
1106 term "nonviolent felony" has the same meaning as provided in s.
1107 948.08(6).

1108 Section 12. Section 921.0027, Florida Statutes, is amended
1109 to read:

1110 921.0027 Criminal Public Safety Punishment Code and
1111 revisions; applicability.—The Florida Criminal Public Safety
1112 Punishment Code applies to all felonies, except capital
1113 felonies, committed on or after October 1, 1998. Any revision to
1114 the Criminal Public Safety Punishment Code applies to sentencing
1115 for all felonies, except capital felonies, committed on or after
1116 the effective date of the revision. Felonies, except capital
1117 felonies, with continuing dates of enterprise shall be sentenced
1118 under the Criminal Public Safety Punishment Code in effect on

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1119 the beginning date of the criminal activity.

1120 Section 13. Subsection (1) of section 924.06, Florida
1121 Statutes, is amended to read:

1122 924.06 Appeal by defendant.—

1123 (1) A defendant may appeal from:

1124 (a) A final judgment of conviction when probation has not
1125 been granted under chapter 948, except as provided in subsection
1126 (3);

1127 (b) An order granting probation under chapter 948;

1128 (c) An order revoking probation under chapter 948;

1129 (d) A sentence, on the ground that it is illegal; or

1130 (e) A sentence imposed under s. 921.0024 of the Criminal

1131 Public Safety Punishment Code which exceeds the statutory

1132 maximum penalty provided in s. 775.082 for an offense at

1133 conviction, or the consecutive statutory maximums for offenses
1134 at conviction, unless otherwise provided by law.

1135 Section 14. Paragraph (i) of subsection (1) of section
1136 924.07, Florida Statutes, is amended to read:

1137 924.07 Appeal by state.—

1138 (1) The state may appeal from:

1139 (i) A sentence imposed below the lowest permissible
1140 sentence established by the Criminal Public Safety Punishment
1141 Code under chapter 921.

1142 Section 15. Paragraph (c) of subsection (3) and paragraph
1143 (e) of subsection (5) of section 944.17, Florida Statutes, are
1144 amended to read:

1145 944.17 Commitments and classification; transfers.—

1146 (3)

1147 (c)1. When the highest ranking offense for which the

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prisoner is convicted is a felony, the trial court shall sentence the prisoner pursuant to the Criminal Public Safety ~~Punishment~~ Code in chapter 921.

2. When the highest ranking offense for which the prisoner is convicted is a misdemeanor, the trial court shall sentence the prisoner pursuant to s. 775.082(4).

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the sheriff or chief correctional officer, or a designated representative, to the officer in charge of the reception process. The department may, at its discretion, receive such documents electronically:

(e) A copy of the Criminal Public Safety ~~Punishment~~ Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation of felony sentencing scoresheets.

In addition, the sheriff or other officer having such person in charge shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents. After a prisoner is admitted into the state correctional system, the department may request such additional records relating to the prisoner as it considers necessary from the clerk of the court, the Department of Children and Families, or any other state or county agency for the purpose of determining the prisoner's proper custody classification, gain-time eligibility, or eligibility for early release programs. An agency that receives such a request from

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the department must provide the information requested. The department may, at its discretion, receive such information electronically.

Section 16. Paragraph (a) of subsection (7) of section 948.01, Florida Statutes, is amended to read:

948.01 When court may place defendant on probation or into community control.—

(7) (a) Notwithstanding s. 921.0024 and effective for offenses committed on or after July 1, 2009, the sentencing court may place the defendant into a postadjudicatory treatment-based drug court program if the defendant's Criminal Public Safety ~~Punishment~~ Code scoresheet total sentence points under s. 921.0024 are 60 points or fewer, the offense is a nonviolent felony, the defendant is amenable to substance abuse treatment, and the defendant otherwise qualifies under s. 397.334(3). The satisfactory completion of the program shall be a condition of the defendant's probation or community control. As used in this subsection, the term "nonviolent felony" means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

Section 17. Section 948.015, Florida Statutes, is amended to read:

948.015 Presentence investigation reports.—The circuit court, when the defendant in a criminal case has been found guilty or has entered a plea of nolo contendere or guilty and has a lowest permissible sentence under the Criminal Public Safety ~~Punishment~~ Code of any nonstate prison sanction, may refer the case to the department for investigation or recommendation. Upon such referral, the department shall make

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1206 the following report in writing at a time specified by the court
1207 prior to sentencing. The full report shall include:

1208 (1) A complete description of the situation surrounding the
1209 criminal activity with which the offender has been charged,
1210 including a synopsis of the trial transcript, if one has been
1211 made; nature of the plea agreement, including the number of
1212 counts waived, the pleas agreed upon, the sentence agreed upon,
1213 and any additional terms of agreement; and, at the offender's
1214 discretion, his or her version and explanation of the criminal
1215 activity.

1216 (2) The offender's sentencing status, including whether the
1217 offender is a first offender, a habitual or violent offender, a
1218 youthful offender, or is currently on probation.

1219 (3) The offender's prior record of arrests and convictions.

1220 (4) The offender's educational background.

1221 (5) The offender's employment background, including any
1222 military record, present employment status, and occupational
1223 capabilities.

1224 (6) The offender's financial status, including total
1225 monthly income and estimated total debts.

1226 (7) The social history of the offender, including his or
1227 her family relationships, marital status, interests, and
1228 activities.

1229 (8) The residence history of the offender.

1230 (9) The offender's medical history and, as appropriate, a
1231 psychological or psychiatric evaluation.

1232 (10) Information about the environments to which the
1233 offender might return or to which the offender could be sent
1234 should a sentence of nonincarceration or community supervision

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1235 be imposed by the court, and consideration of the offender's
1236 plan concerning employment supervision and treatment.

1237 (11) Information about any resources available to assist
1238 the offender, such as:

1239 (a) Treatment centers.

1240 (b) Residential facilities.

1241 (c) Career training programs.

1242 (d) Special education programs.

1243 (e) Services that may preclude or supplement commitment to
1244 the department.

1245 (12) The views of the person preparing the report as to the
1246 offender's motivations and ambitions and an assessment of the
1247 offender's explanations for his or her criminal activity.

1248 (13) An explanation of the offender's criminal record, if
1249 any, including his or her version and explanation of any
1250 previous offenses.

1251 (14) A statement regarding the extent of any victim's loss
1252 or injury.

1253 (15) A recommendation as to disposition by the court. The
1254 department shall make a written determination as to the reasons
1255 for its recommendation, and shall include an evaluation of the
1256 following factors:

1257 (a) The appropriateness or inappropriateness of community
1258 facilities, programs, or services for treatment or supervision
1259 for the offender.

1260 (b) The ability or inability of the department to provide
1261 an adequate level of supervision for the offender in the
1262 community and a statement of what constitutes an adequate level
1263 of supervision.

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1264 (c) The existence of other treatment modalities which the
 1265 offender could use but which do not exist at present in the
 1266 community.

1267 Section 18. Paragraph (j) of subsection (2) of section
 1268 948.06, Florida Statutes, is amended to read:

1269 948.06 Violation of probation or community control;
 1270 revocation; modification; continuance; failure to pay
 1271 restitution or cost of supervision.—

1272 (2)

1273 (j)1. Notwithstanding s. 921.0024 and effective for
 1274 offenses committed on or after July 1, 2009, the court may order
 1275 the defendant to successfully complete a postadjudicatory
 1276 treatment-based drug court program if:

1277 a. The court finds or the offender admits that the offender
 1278 has violated his or her community control or probation;

1279 b. The offender's Criminal Public Safety Punishment Code
 1280 scoresheet total sentence points under s. 921.0024 are 60 points
 1281 or fewer after including points for the violation;

1282 c. The underlying offense is a nonviolent felony. As used
 1283 in this subsection, the term "nonviolent felony" means a third
 1284 degree felony violation under chapter 810 or any other felony
 1285 offense that is not a forcible felony as defined in s. 776.08;

1286 d. The court determines that the offender is amenable to
 1287 the services of a postadjudicatory treatment-based drug court
 1288 program;

1289 e. The court has explained the purpose of the program to
 1290 the offender and the offender has agreed to participate; and

1291 f. The offender is otherwise qualified to participate in
 1292 the program under the provisions of s. 397.334(3).

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1293 2. After the court orders the modification of community
 1294 control or probation, the original sentencing court shall
 1295 relinquish jurisdiction of the offender's case to the
 1296 postadjudicatory treatment-based drug court program until the
 1297 offender is no longer active in the program, the case is
 1298 returned to the sentencing court due to the offender's
 1299 termination from the program for failure to comply with the
 1300 terms thereof, or the offender's sentence is completed.

1301 Section 19. Subsection (1) of section 948.20, Florida
 1302 Statutes, is amended to read:

1303 948.20 Drug offender probation.—

1304 (1) If it appears to the court upon a hearing that the
 1305 defendant is a chronic substance abuser whose criminal conduct
 1306 is a violation of s. 893.13(2)(a) or (6)(a), or other nonviolent
 1307 felony if such nonviolent felony is committed on or after July
 1308 1, 2009, and notwithstanding s. 921.0024 the defendant's
 1309 Criminal Public Safety Punishment Code scoresheet total sentence
 1310 points are 60 points or fewer, the court may either adjudge the
 1311 defendant guilty or stay and withhold the adjudication of guilt.
 1312 In either case, the court may also stay and withhold the
 1313 imposition of sentence and place the defendant on drug offender
 1314 probation or into a postadjudicatory treatment-based drug court
 1315 program if the defendant otherwise qualifies. As used in this
 1316 section, the term "nonviolent felony" means a third degree
 1317 felony violation under chapter 810 or any other felony offense
 1318 that is not a forcible felony as defined in s. 776.08.

1319 Section 20. Paragraph (c) of subsection (2) of section
 1320 948.51, Florida Statutes, is amended to read:

1321 948.51 Community corrections assistance to counties or

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1322 county consortiums.—
 1323 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
 1324 county, or a consortium of two or more counties, may contract
 1325 with the Department of Corrections for community corrections
 1326 funds as provided in this section. In order to enter into a
 1327 community corrections partnership contract, a county or county
 1328 consortium must have a public safety coordinating council
 1329 established under s. 951.26 and must designate a county officer
 1330 or agency to be responsible for administering community
 1331 corrections funds received from the state. The public safety
 1332 coordinating council shall prepare, develop, and implement a
 1333 comprehensive public safety plan for the county, or the
 1334 geographic area represented by the county consortium, and shall
 1335 submit an annual report to the Department of Corrections
 1336 concerning the status of the program. In preparing the
 1337 comprehensive public safety plan, the public safety coordinating
 1338 council shall cooperate with the juvenile justice circuit
 1339 advisory board established under s. 985.664 in order to include
 1340 programs and services for juveniles in the plan. To be eligible
 1341 for community corrections funds under the contract, the initial
 1342 public safety plan must be approved by the governing board of
 1343 the county, or the governing board of each county within the
 1344 consortium, and the Secretary of Corrections based on the
 1345 requirements of this section. If one or more other counties
 1346 develop a unified public safety plan, the public safety
 1347 coordinating council shall submit a single application to the
 1348 department for funding. Continued contract funding shall be
 1349 pursuant to subsection (5). The plan for a county or county
 1350 consortium must cover at least a 5-year period and must include:

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1351 (c) Specific goals and objectives for reducing the
 1352 projected percentage of commitments to the state prison system
 1353 of persons with low total sentencing scores pursuant to the
 1354 Criminal Public Safety ~~Punishment~~ Code.
 1355 Section 21. Subsection (3) of section 958.04, Florida
 1356 Statutes, is amended to read:
 1357 958.04 Judicial disposition of youthful offenders.—
 1358 (3) The provisions of this section shall not be used to
 1359 impose a greater sentence than the permissible sentence range as
 1360 established by the Criminal Public Safety ~~Punishment~~ Code
 1361 pursuant to chapter 921 unless reasons are explained in writing
 1362 by the trial court judge which reasonably justify departure. A
 1363 sentence imposed outside of the code is subject to appeal
 1364 pursuant to s. 924.06 or s. 924.07.
 1365 Section 22. Subsection (4) of section 985.465, Florida
 1366 Statutes, is amended to read:
 1367 985.465 Juvenile correctional facilities or juvenile
 1368 prison.—A juvenile correctional facility or juvenile prison is a
 1369 physically secure residential commitment program with a
 1370 designated length of stay from 18 months to 36 months, primarily
 1371 serving children 13 years of age to 19 years of age or until the
 1372 jurisdiction of the court expires. Each child committed to this
 1373 level must meet one of the following criteria:
 1374 (4) The child is at least 13 years of age at the time of
 1375 the disposition for the current offense, the child is eligible
 1376 for prosecution as an adult for the current offense, and the
 1377 current offense is ranked at level 7 or higher on the Criminal
 1378 Public Safety ~~Punishment~~ Code offense severity ranking chart
 1379 pursuant to s. 921.0022.

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Section 23. Section 921.002, Florida Statutes, is amended to read:

921.002 The Criminal ~~Public Safety Punishment~~ Code.—The Criminal Public Safety Punishment Code shall apply to all felony offenses, except capital felonies, committed on or after October 1, 1998.

(1) The provision of criminal penalties and of limitations upon the application of such penalties is a matter of predominantly substantive law and, as such, is a matter properly addressed by the Legislature. The Legislature, in the exercise of its authority and responsibility to establish sentencing criteria, to provide for the imposition of criminal penalties, and to make the best use of state prisons so that violent criminal offenders are appropriately incarcerated, has determined that it is in the best interest of the state to develop, implement, and revise a sentencing policy. The Criminal Public Safety Punishment Code embodies the principles that:

(a) Sentencing is neutral with respect to race, gender, and social and economic status.

(b) The primary purpose of sentencing is to punish the offender. Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of public safety ~~punishment~~.

(c) The penalty imposed is commensurate with the severity of the primary offense and the circumstances surrounding the primary offense.

(d) The severity of the sentence increases with the length and nature of the offender's prior record.

(e) The sentence imposed by the sentencing judge reflects

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the length of actual time to be served, shortened only by the application of incentive and meritorious gain-time as provided by law, and may not be shortened if the defendant would consequently serve less than 85 percent of his or her term of imprisonment as provided in s. 944.275(4). The provisions of chapter 947, relating to parole, shall not apply to persons sentenced under the Criminal Public Safety Punishment Code.

(f) Departures below the lowest permissible sentence established by the code must be articulated in writing by the trial court judge and made only when circumstances or factors reasonably justify the mitigation of the sentence. The level of proof necessary to establish facts that support a departure from the lowest permissible sentence is a preponderance of the evidence.

(g) The trial court judge may impose a sentence up to and including the statutory maximum for any offense, including an offense that is before the court due to a violation of probation or community control.

(h) A sentence may be appealed on the basis that it departs from the Criminal Public Safety Punishment Code only if the sentence is below the lowest permissible sentence or as enumerated in s. 924.06(1).

(i) Use of incarcerative sanctions is prioritized toward offenders convicted of serious offenses and certain offenders who have long prior records, in order to maximize the finite capacities of state and local correctional facilities.

(2) When a defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the former sentencing guidelines

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or the code, each felony shall be sentenced under the guidelines or the code in effect at the time the particular felony was committed. This subsection does not apply to sentencing for any capital felony.

(3) A court may impose a departure below the lowest permissible sentence based upon circumstances or factors that reasonably justify the mitigation of the sentence in accordance with s. 921.0026. The level of proof necessary to establish facts supporting the mitigation of a sentence is a preponderance of the evidence. When multiple reasons exist to support the mitigation, the mitigation shall be upheld when at least one circumstance or factor justifies the mitigation regardless of the presence of other circumstances or factors found not to justify mitigation. Any sentence imposed below the lowest permissible sentence must be explained in writing by the trial court judge.

(4) (a) The Department of Corrections shall report on trends in sentencing practices and sentencing score thresholds and provide an analysis on the sentencing factors considered by the courts and shall submit this information to the Legislature by October 1 of each year.

(b) The Criminal Justice Estimating Conference, with the assistance of the Department of Corrections, shall estimate the impact of any proposed change to the Criminal Public Safety ~~Punishment~~ Code on future rates of incarceration and on the prison population. The Criminal Justice Estimating Conference shall base its projections on historical data concerning sentencing practices which have been accumulated by the Department of Corrections and other relevant data from other

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state agencies and records of the Department of Corrections which disclose the average time served for offenses covered by any proposed changes to the Criminal Public Safety ~~Punishment~~ Code.

(c) In order to produce projects that are either required by law or requested by the Legislature to assist the Legislature in making modifications to the Criminal Public Safety ~~Punishment~~ Code, the Department of Corrections is authorized to collect and evaluate Criminal Public Safety ~~Punishment~~ Code scoresheets from each of the judicial circuits after sentencing. Beginning in 1999, by October 1 of each year, the Department of Corrections shall provide an annual report to the Legislature that shows the rate of compliance of each judicial circuit in providing scoresheets to the department.

Section 24. Subsection (2) of section 893.20, Florida Statutes, is amended to read:

893.20 Continuing criminal enterprise.—

(2) A person who commits the offense of engaging in a continuing criminal enterprise commits ~~is guilty of~~ a life felony, punishable pursuant to the Criminal Public Safety ~~Punishment~~ Code and by a fine of \$500,000.

Section 25. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9
Meeting Date

1498
Bill Number (if applicable)

Topic Running Runshamett Code

Amendment Barcode (if applicable)

Name Karen Roberts

Job Title _____

Address 935 E University Ave

Phone 727-366-4080

Street

City

Orange City FL

State

32703

Zip

Email act87ap@jagcd

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/9/21

Meeting Date

SB 1498

Bill Number (if applicable)

Topic Renaming the Criminal Punishment Code

Amendment Barcode (if applicable)

Name Christian Minor

Job Title Executive Director

Address 1300 N. Adams St.

Street

Phone (321) 225-4232

Tallahassee

City

FL

State

32303

Zip

Email cmminor@fja.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Juvenile Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 3/9/2021 3:31:36 PM

Ends: 3/9/2021 5:49:05 PM **Length:** 02:17:30

3:31:34 PM Meeting called to order by Chair Pizzo
3:31:38 PM Roll call by CAA Sue Arnold
3:31:44 PM Quorum present
3:31:52 PM Comments from Chair Pizzo
3:32:24 PM Introduction of Tab 8, SB 1378 by Chair Pizzo
3:32:43 PM Explanation of SB 1378, Corporate Espionage by Senator Bradley
3:34:30 PM Comments from Chair Pizzo
3:35:01 PM Closure by Senator Bradley
3:35:05 PM Roll call by CAA
3:35:11 PM SB 1378 reported favorably
3:35:40 PM Introduction of Tab 3, SB 1088
3:35:50 PM Explanation of SB 1088, Modification or Continuation of Terms of Probation by Senator Rodrigues
3:38:27 PM Introduction of Amendment Barcode 890572 by Chair Pizzo
3:38:38 PM Explanation of Amendment by Senator Rodrigues
3:38:55 PM Closure waived
3:38:58 PM Amendment adopted
3:39:00 PM Comments from Chair Pizzo
3:39:07 PM Senator Powell in debate
3:39:28 PM Response from Senator Rodrigues
3:40:06 PM Follow-up question from Senator Powell
3:40:13 PM Response from Senator Rodrigues
3:42:38 PM Question from Chair Pizzo
3:42:46 PM Response from Senator Rodrigues
3:43:12 PM Follow-up question from Chair Pizzo
3:43:19 PM Response from Senator Rodrigues
3:44:08 PM Closure waived
3:44:10 PM Roll call by CAA
3:44:18 PM CS/SB 1088 reported favorably
3:44:26 PM Introduction of Tab 9, SB 1426 by Chair Pizzo
3:44:47 PM Explanation of SB 1426, Pregnant Women in Custody by Senator Jones
3:45:12 PM Introduction of Amendment Barcode 105058 by Chair Pizzo
3:45:15 PM Explanation of Amendment by Senator Jones
3:46:34 PM Comments from Chair Pizzo
3:46:40 PM Closure waived
3:46:55 PM Amendment adopted
3:47:01 PM Question from Senator Boyd
3:47:28 PM Response from Senator Jones
3:47:45 PM Question from Chair Pizzo
3:47:51 PM Response from Senator Jones
3:48:34 PM Comments from Chair Pizzo
3:48:48 PM Question from Senator Perry
3:48:54 PM Response from Senator Jones
3:49:18 PM Follow-up question from Senator Perry
3:49:25 PM Response from Senator Jones
3:49:47 PM Follow-up question from Senator Perry
3:49:55 PM Response from Senator Jones
3:50:11 PM Follow-up question from Senator Perry
3:50:17 PM Response from Senator Jones
3:50:51 PM Question from Chair Pizzo
3:50:56 PM Response from Senator Jones
3:51:44 PM Speaker Barbara DeVane, FL NOW in support
3:53:25 PM Nancy Daniels, Florida Public Defender Association waives in support

3:53:31 PM Ida Eskamani, Dignity Florida Coalition waives in support
3:53:37 PM Carrie Boyd, SPLC Action Fund waives in support
3:53:42 PM Karen Woodall, Florida Center for Fiscal & Economic Policy waives in support
3:53:52 PM Karen Roberts
3:54:02 PM Speaker Jermira Jones in support
3:58:23 PM Comments from Chair Pizzo
3:59:52 PM Senator Baxley in debate
4:01:44 PM Senator Boyd in debate
4:03:14 PM Roll call by CAA
4:03:21 PM CS/SB 1426 reported favorably
4:03:31 PM Introduction of Tab 4, SB 1166 by Chair Pizzo
4:03:50 PM Introduction of Amendment Barcode 374274 by Chair Pizzo
4:03:54 PM Explanation of Amendment by Senator Brandes
4:04:55 PM Sam Kerce, Department of Juvenile Justice in support
4:05:28 PM Closure waived
4:05:30 PM Amendment adopted
4:05:41 PM Sam Kerce, Department of Juvenile Justice waives in support
4:05:48 PM Christian Minor, Florida Juvenile Justice Association waives in support
4:05:55 PM Karen Roberts
4:05:58 PM Denise Rock, Florida Cares waives in support
4:06:02 PM Barney Bishop, Florida Smart Justice Alliance waives in support
4:06:21 PM Closure waived
4:06:23 PM Roll call by CAA
4:06:31 PM CS/SB 1166 reported favorably
4:06:42 PM Introduction of Tab 6, SB 1234 by Chair Pizzo
4:06:52 PM Explanation of SB 1234, False Reports of Crimes by Senator Boyd
4:08:49 PM Comments from Chair Pizzo
4:08:52 PM Question from Senator Powell
4:09:06 PM Response from Senator Boyd
4:09:48 PM Question from Senator Pizzo
4:09:57 PM Response from Senator Boyd
4:10:09 PM Follow-up question from Senator Pizzo
4:10:17 PM Response from Senator Boyd
4:10:58 PM Tim Stanfield, Florida Police Chiefs Association waives in support
4:11:01 PM Jennifer Cook Pritt, The Florida Police Chiefs Association waives in support
4:11:06 PM Barney Bishop, Florida Smart Justice Alliance waives in support
4:11:19 PM Comments from Chair Pizzo
4:11:42 PM Senator Brandes in debate
4:13:21 PM Senator Powell in debate
4:14:28 PM Senator Baxley in debate
4:15:52 PM Chair Pizzo in debate
4:17:20 PM Closure by Senator Boyd
4:18:18 PM Roll call by CAA
4:19:18 PM SB 1234 reported favorably
4:19:30 PM Introduction of Tab 7, SB 1354 by Chair Pizzo
4:19:42 PM Explanation of SB 1354, Traveling Across County Lines with Intent to Commit a Felony by Senator Baxley
4:21:32 PM Comments from Chair Pizzo
4:21:42 PM Question from Chair Pizzo
4:21:46 PM Response from Senator Baxley
4:22:16 PM Follow-up question from Chair Pizzo
4:22:23 PM Response from Senator Baxley
4:24:35 PM Question from Senator Brandes
4:24:40 PM Response from Lauren Jones, Staff Director
4:25:15 PM Question from Senator Powell
4:25:40 PM Response from Senator Baxley
4:29:47 PM Comments from Chair Pizzo
4:30:38 PM Response from Senator Baxley
4:31:23 PM Comments from Chair Pizzo
4:31:30 PM Response from Senator Baxley
4:31:56 PM Closure waived
4:32:02 PM Roll call by CAA
4:32:06 PM SB 1354 reported favorably

4:32:21 PM Introduction of Tab 2, SB 752 by Chair Pizzo
4:32:38 PM Explanation of SB 752, Public Defender Duties by Senator Gruters
4:33:02 PM Comments from Chair Pizzo
4:33:14 PM Closure waived
4:33:16 PM Roll call by CAA
4:33:19 PM SB 752 reported favorably
4:33:33 PM Introduction of Tab 1, SB 498 by Chair Pizzo
4:33:47 PM Explanation of SB 498, Safety of Religious Institutions by Senator Gruters
4:34:42 PM Comments from Chair Pizzo
4:34:46 PM Question from Senator Powell
4:34:52 PM Response from Senator Gruters
4:35:00 PM Follow-up question from Senator Powell
4:35:09 PM Response from Senator Gruters
4:35:22 PM Follow-up question from Senator Powell
4:35:28 PM Response from Senator Gruters
4:35:57 PM Question from Senator Taddeo
4:36:03 PM Response from Senator Gruters
4:37:05 PM Follow-up question from Senator Taddeo
4:37:12 PM Response from Senator Gruters
4:37:18 PM Chair turned over to Vice-Chair Brandes
4:37:41 PM Introduction of Amendment Barcode 565676 by Chair Brandes
4:37:54 PM Explanation of Amendment by Senator Pizzo
4:39:04 PM Comments from Chair Brandes
4:39:13 PM Ingrid Delgado, Florida Conference of Catholic Bishops waives in support
4:39:33 PM Angie Gallo, Florida Coalition to Prevent Gun Violence waives in support
4:39:40 PM Speaker Marion Hammer, NRA and Unified Sportsmen of Florida in opposition
4:40:51 PM Comments from Chair Brandes
4:40:56 PM Senator Baxley in debate
4:43:35 PM Senator Gruters in opposition of Amendment
4:44:37 PM Closure on Amendment by Senator Pizzo
4:48:38 PM Roll call vote on Amendment - not adopted
4:49:38 PM Introduction of Amendment Barcode 179036 by Chair Brandes
4:49:50 PM Explanation of Amendment by Senator Pizzo
4:51:00 PM Ingrid Delgado, Florida Conference of Catholic Bishops waives in support
4:51:06 PM Angie Gallo, Florida Coalition to Prevent Gun Violence waives in support
4:51:12 PM Speaker Marion Hammer, NRA and Unified Sportsmen of Florida in opposition
4:52:35 PM Speaker Louis Valdes, Gun Owners of America in opposition
4:53:33 PM Speaker Rev. Dr. Russell Meyer, Florida Council of Churches in opposition
4:55:27 PM Senator Gruters in opposition of Amendment
4:56:07 PM Closure by Senator Pizzo
4:56:33 PM Amendment not adopted
4:57:36 PM Introduction of Late-filed Amendment Barcode 754028 by Chair Brandes
4:57:44 PM Explanation of Amendment by Senator Gruters
4:58:30 PM Comments from Chair Brandes
4:58:35 PM Question from Senator Powell
4:58:40 PM Response from Senator Gruters
4:58:51 PM Follow-up question from Senator Powell
4:58:57 PM Response from Senator Gruters
4:59:10 PM Marion Hammer, NRA and Unified Sportsmen of Florida waives in support
4:59:36 PM Speaker Luis Valdes, Gun Owners of America waives in support
4:59:45 PM Randy Osbourne, Florida Eagle Forum waives in support
5:00:01 PM Closure waived
5:00:04 PM Amendment adopted
5:00:23 PM Comments from Chair Brandes
5:00:39 PM Kenneth Morrow, Republican Liberty Caucus of Florida waives in support
5:00:44 PM Barney Bishop, Florida Smart Justice Alliance waives in support
5:00:52 PM Marion Hammer, NRA and Unified Sportsmen of Florida
5:00:58 PM Barbara DeVane, FL NOW waives in opposition
5:01:02 PM Doug Bell, Florida Chapter of the American Academy of Pediatrics waives in opposition
5:01:10 PM Karen Woodall, Florida Center for Fiscal & Economic Policy waives in opposition
5:01:16 PM Angie Gallo, Florida Coalition to Prevent Gun Violence waives in opposition
5:01:27 PM Speaker Russell Meyer, Florida Faith Advocacy Office in opposition

5:05:42 PM Speaker Luis Valdes, Gun Owners of America, Inc. in support
5:06:58 PM Speaker Marion Hammer, NRA and Unified Sportsmen of Florida in support
5:07:26 PM Speaker Trish Neely, League Women Voters Florida in opposition
5:09:20 PM Speaker Ingrid Delgado, Florida Conference of Catholic Bishops in opposition
5:10:36 PM Dannie McMillian, Florida PTA waives in opposition
5:10:52 PM Speaker Randy Osborne, Florida Eagle Forum in support
5:11:45 PM Comments from Chair Brandes
5:11:54 PM Senator Pizzo in debate
5:13:12 PM Response from Senator Gruters
5:13:20 PM Question from Senator Pizzo
5:13:26 PM Response from Senator Gruters
5:13:54 PM Question from Senator Pizzo
5:14:00 PM Response from Senator Gruters
5:14:42 PM Follow-up question from Senator Pizzo
5:14:55 PM Response from Senator Gruters
5:15:20 PM Follow-up question from Senator Pizzo
5:15:29 PM Response from Senator Gruters
5:16:07 PM Follow-up question from Senator Pizzo
5:16:15 PM Response from Senator Gruters
5:16:21 PM Follow-up question from Senator Pizzo
5:16:30 PM Response from Senator Gruters
5:17:03 PM Follow-up question from Senator Pizzo
5:17:11 PM Response from Senator Gruters
5:18:12 PM Follow-up question from Senator Pizzo
5:18:22 PM Response from Senator Gruters
5:20:29 PM Follow-up question from Senator Pizzo
5:20:37 PM Response from Senator Gruters
5:21:04 PM Follow-up question from Senator Pizzo
5:21:14 PM Response from Senator Gruters
5:21:40 PM Follow-up question from Senator Pizzo
5:21:46 PM Response from Senator Gruters
5:22:12 PM Senator Baxley in debate
5:26:50 PM Senator Pizzo in debate
5:33:01 PM Senator Powell in debate
5:33:13 PM Senator Gruters in closure
5:35:27 PM Roll call by CAA
5:35:34 PM CS/SB 498 reported favorably
5:35:57 PM Chair returned to Senator Pizzo
5:36:06 PM Introduction of Tab 5, SB 1192
5:36:15 PM Explanation of SB 1192, Mental Illness Training for Law Enforcement Officers by Senator Powell
5:36:41 PM Introduction of Amendment
5:36:46 PM Explanation of Amendment by Senator Powell
5:37:08 PM Comments from Chair Pizzo
5:37:15 PM Closure waived
5:37:19 PM Amendment adopted
5:37:31 PM Russell Meyer, Florida Faith Advocacy Office waives in support
5:37:35 PM Rebecca McMichael waives in support
5:37:40 PM Karen Woodall, Florida Smart Justice Alliance waives in support
5:37:45 PM Karen Roberts waives in support
5:37:48 PM Barney Bishop, Florida Smart Justice Alliance waives in support
5:38:11 PM Senator Powell in closure
5:38:14 PM Roll call by CAA
5:38:41 PM CS/SB 1192 reported favorably
5:38:56 PM Chair returned to Senator Brandes
5:39:07 PM Introduction of Tab 11, SB 1498 by Chair Brandes
5:39:16 PM Explanation of SB 1498, Clothing-optional Locations by Senator Pizzo
5:39:53 PM Comments from Chair Brandes
5:40:00 PM Christian Minor, Florida Juvenile Justice Association waives in support
5:40:07 PM Karen Roberts waives in support
5:40:25 PM Closure waived
5:40:30 PM Roll call by CAA
5:40:34 PM SB 1498 reported favorably

5:40:55 PM Introduction of Tab 10, SB 1486 by Chair Brandes
5:41:18 PM Explanation of SB 1486, Clothing-optional Locations by Senator Pizzo
5:42:23 PM Comments from Chair Brandes
5:42:28 PM Question from Senator Perry
5:42:36 PM Response from Senator Pizzo
5:43:09 PM Follow-up question from Senator Perry
5:43:15 PM Response from Senator Pizzo
5:43:35 PM Ramon Maury waives in support
5:43:46 PM Senator Perry in debate
5:44:22 PM Comments from Chair Brandes
5:44:43 PM Senator Pizzo in closure
5:44:48 PM Comments by Senator Gainer
5:45:42 PM Response from Senator Pizzo
5:46:05 PM Closure by Senator Pizzo
5:46:46 PM Roll call by CAA
5:46:57 PM SB 1486 reported favorably
5:47:32 PM Chair returned to Senator Pizzo
5:47:42 PM Comments from Chair Pizzo
5:47:48 PM Senator Taddeo would like to be shown voting in the affirmative on SB 1378 and CS/SB 1088
5:48:02 PM Senator Perry would like to be shown voting in the affirmative on CS/SB 1166 and SB 1234
5:48:10 PM Senator Boyd would like to shown voting in the affirmative on SB 752
5:48:15 PM Senator Gainer, 7, 2 and 1
5:48:43 PM Senator Baxley moves to give staff license to make technical and conforming changes to the Committee Substitutes. Without objection, show that adopted
5:48:48 PM Senator Powell moves to adjourn
5:48:55 PM Meeting adjourned