

Tab 1	SB 524 by Ingoglia; (Identical to H 00533) DNA Samples from Inmates					
Tab 2	SB 678 by Bradley; (Similar to H 00453) Forensic Genetic Genealogy Grants					
812232	D	S	RCS	CJ, Bradley	Delete everything after	01/16 04:00 PM
Tab 3	SB 700 by Gruters; (Identical to H 00743) Controlled Substances					
Tab 4	SB 732 by Powell; (Similar to H 00737) Theft from Nonprofit Organizations					
Tab 5	SB 768 by Stewart; (Identical to H 01653) Duty to Report Certain Deaths					
Tab 6	SB 1048 by Burgess; (Similar to H 01315) Independent Incentivized Prison Program					
Tab 7	SB 1092 by Martin; (Similar to H 01657) Criminal Offenses Against Law Enforcement Officers and Other Personnel					
193800	A	S	RCS	CJ, Martin	Delete L.52 - 53:	01/16 04:00 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Bradley, Vice Chair

MEETING DATE: Tuesday, January 16, 2024

TIME: 1:30—3:30 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Martin, Chair; Senator Bradley, Vice Chair; Senators Ingoglia, Perry, Pizzo, Polsky, Powell, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 524 Ingoglia (Identical H 533)	DNA Samples from Inmates; Requiring certain inmates to submit DNA samples, etc. CJ 01/16/2024 Favorable ACJ FP	Favorable Yeas 7 Nays 0
2	SB 678 Bradley (Similar H 453)	Forensic Genetic Genealogy Grants; Defining the term "forensic genetic genealogy methods"; creating the Forensic Genetic Genealogy Grant Program within the Department of Law Enforcement; specifying potential grant recipients; requiring each grant recipient to provide a report to the executive director within a certain timeframe, etc. CJ 01/16/2024 Fav/CS ACJ FP	Fav/CS Yeas 7 Nays 0
3	SB 700 Gruters (Identical H 743)	Controlled Substances; Excepting from the list of Schedule I controlled substances certain xylazine animal drug products approved by the United States Food and Drug Administration and used for certain purposes, etc. CJ 01/16/2024 Favorable JU RC	Favorable Yeas 7 Nays 0
4	SB 732 Powell (Similar H 737)	Theft from Nonprofit Organizations; Providing for the reclassification of certain theft offenses of specified amounts from nonprofit organizations; requiring in certain cases that the judge require restitution and community service in addition to any fine or sentence imposed, etc. CJ 01/16/2024 Favorable FP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, January 16, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 768 Stewart (Identical H 1653)	Duty to Report Certain Deaths; Reclassifying the criminal penalty for failure or refusal to report certain deaths and information to the district medical examiner or for engaging in specified conduct related to such deaths, etc. CJ 01/16/2024 Favorable HP FP	Favorable Yeas 7 Nays 0
6	SB 1048 Burgess (Similar H 1315)	Independent Incentivized Prison Program; Defining the terms "nonviolent offense," "recidivism," and "tentative release date"; requiring the Department of Corrections to establish an independent incentivized prison program for nonviolent offenders; providing reporting requirements by specified dates, etc. CJ 01/16/2024 Favorable ACJ FP	Favorable Yeas 7 Nays 0
7	SB 1092 Martin (Similar H 1657)	Criminal Offenses Against Law Enforcement Officers and Other Personnel; Citing this act as the "Officer Jason Raynor Act"; revising a prohibition on the use or threatened use of force to resist arrest or detention; providing for enhanced punishment for additional offenses when committed against specified officers; revising provisions concerning assault or battery upon specified officers and other personnel; revising a provision concerning resisting, obstructing, or opposing specified officers, etc. CJ 01/16/2024 Fav/CS ACJ FP	Fav/CS Yeas 6 Nays 1

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: SB 524

INTRODUCER: Senator Ingoglia

SUBJECT: DNA Samples from Inmates

DATE: January 12, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cella	Stokes	CJ	Favorable
2. _____	_____	ACJ	_____
3. _____	_____	FP	_____

I. Summary:

SB 524 requires that each inmate in the custody of the Department of Corrections (DOC) who has not previously provided a DNA sample pursuant to s. 943.325, F.S., provide a DNA sample to the Florida Department of Law Enforcement (FDLE) by September 30, 2024. The FDLE is required to collect and process the samples pursuant to s. 943.325, F.S.

The FDLE reports that there is no fiscal impact to the FDLE lab resulting from the bill.

The bill may have an indeterminate fiscal impact on the DOC. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

On January 1, 1990, the State's first process dedicated to collecting biological samples, analyzing the Deoxyribonucleic Acid (DNA) therein, and storing the resulting individual identification became law.¹ The FDLE became the administrator of the process including the database that ultimately contained the DNA analyses.²

The biological samples were first collected from persons convicted in Florida of any offense or attempted offense defined in ch. 794, F.S., relating to sexual battery, or of any offense or attempted offense under ch. 800, F.S., relating to lewd and lascivious conduct.³ In the early years

¹ Section 943.325, F.S. (Chapter 89-335, L.O.F.).

² Section 943.325(4), and (5) F.S.

³ Section 943.325(1), F.S. (Chapter 89-335, L.O.F.).

the DNA Database was phased-in, based upon adequate funding and the related criminal offenses until all felony offenses were included.⁴

Current law requires “qualifying offenders” to provide DNA samples under specified circumstances.

A qualified offender means any juvenile or adult who is:

- Committed to a county jail;
- Committed to or under the supervision of the (DOC), including persons incarcerated in a private correctional institution operated under contract pursuant to s. 944.105, F.S.;
- Committed to or under the supervision of the Department of Juvenile Justice;
- Transferred to this state under the Interstate Compact on Juveniles, part XIII of ch. 985, F.S.; or
- Accepted under Article IV of the Interstate Corrections Compact, part III of ch. 941, F.S.

And who is:

- Convicted of any felony offense or attempted felony offense in this state or of a similar offense in another jurisdiction;
- Convicted of certain misdemeanor offenses;
- Arrested for any felony offense or attempted felony offense in this state; or
- In the custody of a law enforcement agency and is subject to an immigration detainer issued by a federal immigration agency.⁵

Any qualifying offender, who is:

- Arrested in this state;
- Incarcerated in this state; or
- On probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision in this state;

is required to submit a DNA sample to a department-designated facility.⁶

Arrested qualifying offenders must submit a DNA sample at the time they are booked into a jail, correctional facility, or juvenile facility.⁷ Incarcerated persons and those in the custody of the Department of Juvenile Justice must submit required DNA samples not less than 45 days before their presumptive date of release from such incarceration or commitment.⁸

Upon the conviction of any qualifying offender which results in the commitment of the offender to a county jail, correctional facility, or juvenile facility, the entity responsible for the jail or facility shall ensure that a DNA sample is promptly secured and transmitted to the FDLE. Personnel at the jail, correctional facility, or juvenile facility shall collect the DNA samples as part of the regular processing of qualifying offenders committed to the jail or facility.⁹

⁴ Section 943.325(3)(b), F.S.

⁵ Section 943.325(2)(g), F.S.

⁶ Section 943.325(7), F.S.

⁷ Section 943.325(7)(b), F.S.

⁸ Section 943.325(7)(c), F.S.

⁹ Section 943.325(7)(d), F.S.

If a qualifying offender is not incarcerated following conviction, that offender may not be released from the custody of the court at the time of sentencing or released pursuant to a bond or surety until the DNA sample required by this section has been taken by the sheriff or his or her designee. The sheriff shall secure, process, and transmit the DNA sample to the FDLE in a timely manner.¹⁰

A law enforcement agency having custody of a person who becomes a qualifying offender solely because of the issuance of an immigration detainer by a federal immigration agency shall ensure that a DNA sample is taken from the offender immediately after the agency receives the detainer and shall secure and transmit the sample to the FDLE in a timely manner.¹¹

As a condition of probation, community control, or any other court-ordered community supervision, the court shall order offenders to submit to the drawing of the blood or other biological specimens when required under s. 943.325, F.S., as a condition of the probation, community control, or other court-ordered community supervision.¹²

If the order of a sentencing court fails to order a qualifying offender to submit a DNA sample as mandated by this section, the prosecutor may seek an amended order from the sentencing court requiring submission of a DNA sample.¹³ In the alternative, FDLE, DOC, a law enforcement agency, or a prosecutor may apply to the appropriate circuit court with jurisdiction for an order authorizing the seizure of the qualifying offender for the purpose of securing the required DNA sample.¹⁴

The FDLE reports that the FDLE DNA database works with DOC to ensure that both agency's systems accurately show the inmates who need to have DNA samples taken.¹⁵ As of November 17, 2023, the two databases were in sync and as of November 20, 2023, DOC confirmed that 48 inmates in Florida need to have samples collected.¹⁶ The number of inmates changes constantly due to new inmates coming into the system while others are released.¹⁷

III. Effect of Proposed Changes:

The bill requires that each inmate in the custody of the DOC who has not previously provided a DNA sample pursuant to s. 943.325, F.S., provide a DNA sample to the FDLE by September 30, 2024. The FDLE is required to collect and process the samples pursuant to s. 943.325, F.S.

The bill takes effect upon becoming a law.

¹⁰ Section 943.325(7)(e), F.S.

¹¹ Section 943.325 (7)(f), F.S.

¹² Section 948.014(1), F.S.

¹³ Section 943.325(12)(b), F.S.

¹⁴ *Id.*

¹⁵ The Florida Department of Law Enforcement, *2024 FDLE Legislative Bill Analysis*, November 27, 2023 (on file with the Senate committee on Criminal Justice).

¹⁶ *Id.*

¹⁷ *Id.*

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 FDLE reports that there is no expected impact to the FDLE lab.¹⁸

The DOC may have a fiscal impact due to the off-schedule collection of the DNA samples. The DOC has not yet responded to the Agency Bill Analysis Request so this impact is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁸ *Id.*

VIII. Statutes Affected:

This bill substantially amends section 943.325 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Ingoglia

11-00930A-24

2024524__

A bill to be entitled

An act relating to DNA samples from inmates; requiring certain inmates to submit DNA samples; providing an effective date.

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

Section 1. Each inmate in the custody of the Department of Corrections who has not previously provided a DNA sample pursuant to s. 943.325, Florida Statutes, is required to submit a sample to the department no later than September 30, 2024. The department shall collect and process such samples pursuant to s. 943.325, Florida Statutes.

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



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB0524
BILL TITLE:	DNA Samples from Inmates
BILL SPONSOR:	Senator Ingoglia
EFFECTIVE DATE:	Upon becoming a law

COMMITTEES OF REFERENCE

1) Criminal Justice
2) Appropriations Committee on Criminal and Civil Justice
3) Fiscal Policy
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Criminal Justice

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB0533
SPONSOR:	Representative Fabricio

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	November 27, 2023
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Jason Bundy
LEGAL ANALYST:	Jim Martin, Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Requires certain inmates to submit DNA samples.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** The Florida Department of Law Enforcement (FDLE) DNA database works with the Department of Corrections (DOC) to ensure the two systems clearly show which samples need to be collected for inmates. As of November 17th, 2023, the two databases are in sync. As of November 20th, 2023, DOC confirmed there are currently 48 inmates in Florida which need to have DNA samples collected. The number of inmates changes constantly due to new and released activity.
2. **EFFECT OF THE BILL:** There is no expected impact to the FDLE lab due to samples collected from arrestees for more than a decade.

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?	
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:	
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:	

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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.	
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LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	
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ADDITIONAL COMMENTS

- Currently, s. 943.325, F.S., authorizes the collection of DNA from any individual in custody or on probation.

APPEARANCE RECORD

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

524

Bill Number or Topic

1/16/24

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Allison Nunes

Phone

540-558-8533

Address

700 W. Hillsboro Blvd Bldg 3

Email

Allison@DNA Labs International.com

Street

Deerfield Beach FL

City

State

33441

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

The Florida Senate

APPEARANCE RECORD

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

SB 524

Bill Number or Topic

1/16/24

Meeting Date

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

jackson@floridaforall.vote

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida
Rising

☐

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Appropriations
Banking and Insurance
Criminal Justice
Ethics and Elections

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Administrative Procedures
Committee, *Alternating Chair*

Senator Blaise Ingoglia
11th District

December 7, 2023

The Honorable Jonathan Martin, Chair
Criminal Justice Committee
315 Senate Office Building
402 South Monroe Street
Tallahassee, FL 32399

Re: SB 524 DNA Samples from Inmates

Chair Martin,

SB 524 has been referred to the Criminal Justice Committee as its first committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping loop at the end.

Blaise Ingoglia
State Senator, District 11

Cc: Amanda Stokes, 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: CS/SB 678

INTRODUCER: Criminal Justice Committee and Senator Bradley

SUBJECT: Forensic Investigative Genetic Genealogy Grants

DATE: January 17, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 678 creates the Forensic Investigative Genetic Genealogy Grant Program within the Florida Department of Law Enforcement (FDLE). The purpose of the program is to award grants to statewide and local law enforcement agencies or medical examiner's offices to support local agencies in the processing of DNA samples.

The FDLE will annually award to law enforcement agencies or medical examiner's offices funds specially appropriated for the grant program to cover expenses related to using forensic genetic genealogy methods to generate investigative leads for criminal investigations or identifying unidentified human remains.

The term "investigative genetic genealogy" means the combined application of laboratory testing, genetic genealogy, and law enforcement investigative techniques to develop investigative leads in unsolved violent crimes and provide investigative leads as to the identity of unidentified human remains. Such methods must be in accordance with department rule and compatible with multiple genealogical databases that are available for law enforcement use. Grant funding is intended for developing genealogy DNA profiles consisting of 100,000 or more markers.

Grants may be used in accordance with FDLE rule to:

- Analyze DNA samples collected under applicable legal authority using forensic genetic genealogy methods for solving violent crimes.
- Analyze unidentified human remains.

Grant recipients must provide a report to the FDLE executive director no later than one year after receiving the funding. The report must include:

- The amount of annual funding received;
- The number and type of cases pursued using forensic genetic genealogical DNA analysis;
- The type of forensic genetic genealogical methods used, including the name of the laboratory to which such testing is outsourced, if any, and the identity of the entity conducting any genetic genealogical research;
- The result of the testing, such as decedent identification, perpetrator identification, or no identification; and
- The amount of time it took to make an identification or to determine no identification could be made.

The FDLE may adopt rules to implement and administer the grant program, and to allocate funds.

The bill becomes effective July 1, 2024.

The FDLE does not anticipate a significant fiscal impact from this bill unless county forensic laboratories seek assistance with any additional requests for services. See Section V. Fiscal Impact Statement.

II. Present Situation:

Current Florida Law

Section 119.071(2)(r)2., F.S., makes investigative genetic genealogy information and materials held by an agency before, on, or after July 1, 2023, confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.¹

As defined in s. 119.071(2)(r), F.S., “investigative genetic genealogy information and materials” means the information, records, and genetic profiles created or collected by or on behalf of a law enforcement agency conducting investigative genetic genealogy research.² It includes any names and personal identifying information or identifiers of individuals determined through the use of genealogy databases, traditional genealogical methods, or other investigative means.³ The term does not include the name or personal identifying information of the donor of a biological sample attributable to a perpetrator; or a person identified through investigative genetic genealogy who is a witness to or has personal knowledge related to the crime under investigation.⁴

“Investigative genetic genealogy” means the application of genetic genealogy and law enforcement investigative techniques to develop investigative leads in unsolved violent crimes

¹ Chapter 2023-235, L.O.F.

² Section 119.071(2)(r)1.d., F.S.

³ *Id.*

⁴ Section 119.071(2)(r)1.d. (I) and (II), F.S.

and provide investigative leads as to the identity of unidentified human remains and living unidentified missing persons.⁵

The term “genetic genealogy” means the use of DNA testing in combination with traditional genealogical methods to infer relationships between persons and determine ancestry.⁶

“Traditional genealogical methods” means the use of genealogical databases and historical records to trace the family lineage of a person.⁷ “DNA record” means all information associated with the collection and analysis of a person's DNA sample, including the distinguishing characteristics collectively referred to as a DNA profile, and includes a single nucleotide polymorphism and a whole genome sequencing DNA profile.⁸

A law enforcement agency may disclose investigative genetic genealogy information and materials in furtherance of its official duties and responsibilities or to another governmental agency in the furtherance of its official duties and responsibilities.⁹

A law enforcement agency must disclose investigative genetic genealogy information and materials pursuant to a court order for furtherance of a criminal prosecution. If a court orders the disclosure of such information and materials, the recipient of the information and materials must maintain the confidential and exempt status of the information and materials and may only publicly disclose the information and materials as necessary for purposes of a criminal prosecution as determined by the court.¹⁰

Catching the Golden State Killer Using Consumer DNA Testing Database

A Florida-based genealogy website called GEDmatch that allows users to voluntarily share their genetic profiles for free provided information that led investigators to the “Golden State Killer” who had eluded law enforcement since 1976.¹¹ The website revealed a distant relative and that information helped lead authorities to the man suspected of conducting a reign of terror up and down California, including 12 homicides, 45 rapes, and more than 100 residential burglaries between 1976 and 1986.¹² The man subsequently pleaded guilty to 13 counts of first-degree murder and special circumstances (including murder committed during burglaries and rapes), as well as 13 counts of kidnapping.¹³

⁵ Section 119.071(2)(r)1.c., F.S.

⁶ Section 119.071(2)(r)1.b., F.S.

⁷ Section 119.071(2)(r)1.e., F.S.

⁸ Section 119.071(2)(r)1.a., F.S.

⁹ Section 119.071(2)(r)3.a., F.S.

¹⁰ Section 119.071(2)(r)3.b., F.S.

¹¹ Los Angeles Times, *The untold story of how the Golden State Killer was found: A covert operation and private DNA*, Paige St. John, December 8, 2020, available at <https://www.latimes.com/california/story/2020-12-08/man-in-the-window>, (last visited January 9, 2024).

¹² *Id.*

¹³ CNN News, “*Hearing details ghastly crimes of Golden State Killer as he pleads guilty to killings*,” Elliott C. McLaughlin, Stella Chan, June 29, 2020, available at <https://www.cnn.com/2020/06/29/us/golden-state-killer-plea-expected/index.html#:~:text=DeAngelo%20pleaded%20guilty%20to%2013,as%2013%20counts%20of%20kidnapping>, (last visited January 9, 2024).

The Florida Department of Law Enforcement Forensic/Investigative Genetic Genealogy Program

The FDLE Genetic Genealogy team currently provides investigative leads to investigators based on DNA matches to relatives found in public genealogy databases.¹⁴ The team includes experts in genetic genealogy, analytical research, forensics, and investigations who work with local law enforcement agencies.¹⁵ In its first year, the program helped identify four suspects, solving cases that were more than a decade old.¹⁶

III. Effect of Proposed Changes:

The bill creates the Forensic Investigative Genetic Genealogy Grant Program within the FDLE. The purpose of the program is to award grants to law enforcement agencies or medical examiner's offices to support local agencies in the processing of DNA samples.

The FDLE will annually award to statewide and local law enforcement agencies and medical examiner's offices any funds specially appropriated for the grant program to cover expenses related to using forensic investigative genetic genealogy methods to generate investigative leads for criminal investigations of violent crimes and to aid in the identification of unidentified human remains.

The term "investigative genetic genealogy" means the combined application of laboratory testing, genetic genealogy, and law enforcement investigative techniques to develop investigative leads in unsolved violent crimes and provide investigative leads as to the identity of unidentified human remains. Such methods must be in accordance with department rule and compatible with multiple genealogical databases that are available for law enforcement use. Grant funding is intended for developing genealogy DNA profiles consisting of 100,000 or more markers.

Grants may be used, in accordance with FDLE rule, to:

- Analyze DNA samples collected under applicable legal authority using forensic genetic genealogy methods for solving violent crimes.
- Analyze DNA samples of unidentified human remains.

Grant recipients must provide a report to the FDLE executive director no later than one year after receiving the funding. The report must include:

- The amount of annual funding received;
- The number and type of cases pursued using investigative genetic genealogy methods;
- The type of forensic investigative genetic genealogical methods used, including the name of the laboratory to which such testing is outsourced, if any, and the identity of the entity conducting any genetic genealogical research;
- The result of the testing, such as decedent identification, perpetrator identification, or no identification; and

¹⁴ Florida Department of Law Enforcement, News, *FDLE Genetic Genealogy Investigations program solves cold cases in first year*, available at <https://www.fdle.state.fl.us/News/2019/October/FDLE-Genetic-Genealogy-Investigations-program-solve>, (last visited January 9, 2024).

¹⁵ *Id.*

¹⁶ *Id.*

- The amount of time it took to make an identification or to determine no identification could be made.

The FDLE may adopt rules pursuant to s. 120.536(1) and s. 120.54, F.S., to implement and administer the requirements in the bill, and to allocate funds.

The bill becomes effective July 1, 2024.

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 FDLE does not anticipate a significant fiscal impact from this bill since cases within the FDLE jurisdiction are currently subjected to DNA analysis to determine which samples are good sources of DNA for forensic investigative genetic genealogy (FIGG) testing. This “preliminary” testing means that the bill should not result in an increase in laboratory requests for services. The FDLE suggests that county labs may experience

increased requests for services as a result of the bill. If the county labs cannot meet additional demands, the FDLE may experience higher volumes of examination requests.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.327 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on January 16, 2024:

The committee substitute:

- Changes the name of the grant program to the Forensic Investigative Genetic Genealogy Grant Program.
- Defines the term investigative genetic genealogy and sets forth specified scientific requirements for participation in the grant program.
- Provides that any specially appropriated grant funds may be used by statewide and local law enforcement agencies and medical examiner's offices to cover expenses associated with DNA analysis used to generate investigative leads for criminal investigations of violent crimes and to aid in the identification of unidentified human remains.
- Requires that grant recipients report specified facts and program analysis to the FDLE executive director, including the type of forensic investigative genetic genealogical methods used, no later than 1 year after receiving funding.
- Conveys rulemaking authority to FDLE to implement and administer the program and to allocate funds.

B. Amendments:

None.

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

¹⁷ Florida Department of Law Enforcement, *2024 FDLE Legislative Bill Analysis*, December 5, 2023. (on file with the Senate Criminal Justice Committee).



812232

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 943.327, Florida Statutes, is created to
read:

943.327 Forensic Investigative Genetic Genealogy Grant
Program.—

(1) As used in this section, the term "investigative
genetic genealogy" means the combined application of laboratory



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testing, genetic genealogy and law enforcement investigative techniques to develop investigative leads in unsolved violent crimes and provide investigative leads as to the identity of unidentified human remains. Such methods must be in accordance with department rule and compatible with multiple genealogical databases which is available for law enforcement use for the purposes described in this section. For purposes of this grant program, funding is intended for developing genealogy DNA profiles consisting of 100,000 or more markers.

(2) There is created within the department the Forensic Investigative Genetic Genealogy Grant Program to award grants to statewide and local law enforcement agencies and medical examiner's offices to support those agencies and offices in the processing of DNA samples as specified under subsection (4).

(3) The department shall annually award to statewide and local law enforcement agencies and medical examiner's offices any funds specially appropriated for the grant program to cover expenses related to using forensic investigative genetic genealogy methods to generate investigative leads for criminal investigations of violent crimes and to aid in the identification of unidentified human remains.

(4) Grants may be used in accordance with department rule for any of the following purposes:

(a) The analysis of DNA samples collected under applicable legal authority using forensic investigative genetic genealogy methods for solving violent crimes.

(b) The analysis of DNA samples of unidentified human remains.

(5) Each grant recipient shall provide to the executive



812232

director a report no later than 1 year after receipt of funding.

This report must include all of the following:

(a) The amount of annual funding received.

(b) The number and type of cases pursued using
investigative genetic genealogy methods.

(c) The type of forensic investigative genetic genealogy
methods used, including the name of the laboratory to which such
testing is outsourced, if any, and the identity of the entity
conducting any genetic genealogical research.

(d) The result of the testing, such as decedent
identification, perpetrator identification, or no
identification.

(e) The amount of time it took to make an identification or
to determine no identification could be made.

(6) The department may adopt rules pursuant to s.
120.536(1), and s. 120.54, to implement and administer this
section, and to allocate funds.

Section 2. This act shall take effect July 1, 2024.

===== 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 Forensic Investigative Genetic
Genealogy Grant Program; creating section 943.327;
defining the term "investigative genetic genealogy";
creating the Investigative Genetic Genealogy Grant
Program within the Department of Law Enforcement;



812232

69 specifying potential grant recipients; providing
70 purposes for the grants; requiring each grant
71 recipient to provide a report to the executive
72 director within a certain timeframe; specifying the
73 required contents of the report; providing rulemaking
74 authority; providing an effective date.

By Senator Bradley

6-00975-24

2024678__

A bill to be entitled

An act relating to forensic genetic genealogy grants; creating s. 943.327, F.S.; defining the term "forensic genetic genealogy methods"; creating the Forensic Genetic Genealogy Grant Program within the Department of Law Enforcement; specifying potential grant recipients; providing purposes for the grants; requiring each grant recipient to provide a report to the executive director within a certain timeframe; specifying the required contents of the report; providing an effective date.

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

Section 1. Section 943.327, Florida Statutes, is created to read:

943.327 Forensic Genetic Genealogy Grant Program.—

(1) As used in this section, the term "forensic genetic genealogy methods" means any technology used in a forensic laboratory capable of producing a forensic genealogy profile with a minimum of 100,000 markers and compatible with multiple genealogical databases which is available for law enforcement use for the purposes described in this section.

(2) There is created within the department the Forensic Genetic Genealogy Grant Program to award grants to law enforcement agencies or medical examiner's offices to support local law enforcement agencies in the processing of DNA samples as specified under subsection (4).

(3) The department shall annually award to law enforcement

Page 1 of 2

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

6-00975-24

2024678__

agencies or medical examiner's offices any funds specially appropriated for the grant program to cover expenses related to using forensic genetic genealogy methods to generate investigative leads for criminal investigations or unidentified human remains.

(4) Grants may be used for any of the following purposes:

(a) Carrying out DNA analyses of samples collected under applicable legal authority using forensic genetic genealogy methods for violent crimes.

(b) Carrying out DNA analyses of unidentified human remains.

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

(a) The amount of annual funding received.

(b) The number of cases tested using forensic genetic genealogical DNA analysis.

(c) The type of forensic genetic genealogical DNA testing used, including the name of the laboratory to which such testing is outsourced, if any, and the type of equipment used for the testing.

(d) The result of the testing, such as victim identification, perpetrator identification, or no identification.

(e) The average amount of time it took to make each such identification or to determine no identification could be made.

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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



2024 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB0678
BILL TITLE:	Forensic Genetic Genealogy Grants
BILL SPONSOR:	Senator Bradley
EFFECTIVE DATE:	July 1, 2024

COMMITTEES OF REFERENCE

1) Criminal Justice
2) Appropriations Committee on Criminal and Civil Justice
3) Fiscal Policy
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Criminal Justice

SIMILAR BILLS

BILL NUMBER:	HB0453
SPONSOR:	Representative Anderson

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	December 5, 2023
LEAD AGENCY ANALYST:	Lori Mizell
ADDITIONAL ANALYST(S):	Jason Bundy, Leigh Clark
LEGAL ANALYST:	Jim Martin, Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Creates Forensic Genetic Genealogy Grant Program within the Florida Department of Law Enforcement (FDLE); specifies potential recipients; provides purposes for grants; requires report from each recipient.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:** FDLE currently accepts cases into the FDLE Forensic Investigative Genetic Genealogy (FIGG) Program for all agencies in Florida. Cases are accepted when a CODIS-eligible DNA profile has been developed but no further leads are available. FDLE uses internal funds for this program.
2. **EFFECT OF THE BILL:** Creates s. 943.327, F.S., which creates the Forensic Genetic Genealogy Grant Program within FDLE. Requiring FDLE to annually award law enforcement agencies and medical examiner's offices funds for expenses related to using forensic genetic genealogy methods to generate investigative leads for criminal investigations of unidentified human remains.

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?	
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:	Grant recipients are required to provide the executive director of FDLE with a report which includes: the amount of annual funding received, the number of cases tested using forensic genetic genealogical DNA analysis, the type of forensic genetic genealogical DNA testing used, and the result of the testing. The use of the report is unclear.
Date Due:	No later than 1 year after receipt of funding
Bill Section Number:	Section 1, Subsection (5), Lines 41-55

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:	
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

- Line 18 – FDLE recommends reviewing the definition language in s. 119.071 (9)(r)1-5, F.S., effective July 1, 2023, to determine what may be duplicative of or contradictory to the definition in the bill.
- Line 21 – The specific reference to a minimum of 100,000 marker is acceptable as a requirement to be part of the grant program, but not as part of the definition of genetic genealogy. There is potential for the state crime laboratory system to utilize panels of fewer markers under certain circumstances, such as for certain target reference testers for relatives and certain unidentified human remains.
- Lines 28-29: FDLE requests a definition of “law enforcement agencies” to clearly include FDLE as a potential recipient.
 - FDLE already facilitates a program for local law enforcement agencies and is the primary resource to coordinate and perform FIGG testing. FDLE would need to be the primary recipient or program manager coordinating and paying vendors on behalf of local agencies. The current FDLE program would be expanded to include more violent crime cases and unidentified remains cases if FDLE is included in the grant manager and case manager on behalf of local law enforcement. Additionally, FDLE expert genealogists have access to law enforcement databases which vendors do not have access, allowing FDLE to solve additional cases.
- Line 29 - FDLE recommends the following language beginning on line 29: “(3) The department shall develop guidelines for the allocation of funds appropriated in this section to include case acceptance and technical specifications for sample approval. The department shall annually award to law...”
- If the model for this bill is Federal HR 9568, Carla Walker Act, it is being updated to include various caveats such as adherence to DOJ policy on Forensic Genetic Genealogical DNA Analysis and required search of CODIS. FDLE recommends this bill mirror those caveats.
- Line 38 – FDLE recommends the following language beginning at line 38: “methods for violent crimes, deemed eligible for searching in genetic genealogy databases that permit law enforcement use and searching and required services. This should include as applicable; entry into the National Crime Information Center; an attempt to obtain

and search dental records, fingerprints, and other biometrics; entry into NamUs; entry in CODIS and engagement with the National Center for Missing and Exploited Children.”

This would ensure use of funds for cases that qualify, regardless of how the scope of the databases fluctuates over time.

- Line 39 – FDLE recommends the following language beginning on line 39: “(b) Carrying out DNA analyses using forensic genetic genealogy methods of unidentified human remains deemed eligible for searching in genetic genealogy databases that permit law enforcement use and searching and related services. This should include as applicable; entry into the National Crime Information Center; an attempt to obtain and search dental records, fingerprints, and other biometrics; entry into NamUs; entry in CODIS and engagement with the National Center for Missing and Exploited Children.”

Unidentified human remains cannot include fetal remains or those which cannot be determined to have been stillborn, which are not permissible for searching in either GEDmatch or Family Tree DNA.

Including the term required services clarifies that costs such as exhumation and funeral director fees associated with unidentified human remains could be claimed under the grant program.

All cases within FDLE jurisdictions will require DNA analysis to identify which samples are good sources of DNA for forensic investigative genetic genealogy testing. This program already exists within FDLE and is not expected to significantly impact the laboratory with increased requests at this time. County laboratories may be impacted by increased request for services. If they cannot meet these demands, FDLE laboratories may experience higher volumes of examination requests.

APPEARANCE RECORD11/16/24

Meeting Date

678

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

Allison Nemes

Phone

540-558-8533

Address

700 W. Hillsboro Blvd Bldg 3

Street

Email

Deerfield Bch FL

City

State

33441

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/16/24

Meeting Date

Criminal Justice

Committee

678

Bill Number or Topic

812232

Amendment Barcode (if applicable)

Name

Allison Nunes

Phone

540-558-8533

Address

700 W. Hillsboro Blvd Bldg 3

Street

Email

Allison@DNA Labs International
com

Deerfield Beach FL

City

State

33341

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

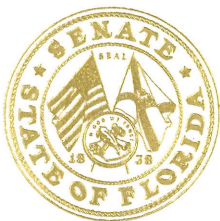
☐

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal
and Civil Justice, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JENNIFER BRADLEY

6th District

December 20, 2023

Senator Jonathan Martin, Chairman
Senate Committee on Criminal Justice
315 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Martin:

I respectfully request that Senate Bill 678 be placed on the committee's agenda at your earliest convenience. This bill relates to forensic genetic genealogy grants.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Amanda Stokes, Staff Director
Sue Arnold, Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 124 Northwest Madison Street, Lake City, Florida 32055 (386) 719-2708
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
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 700

INTRODUCER: Senator Gruters

SUBJECT: Controlled Substances

DATE: January 12, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 700 amends s. 893.03, F.S., to except from the list of Schedule 1 controlled substances, xylazine animal drug products that are approved by the United States Food and Drug Administration (FDA) for certain purposes. The manufacture, importation, distribution, prescribing, or sale for human use is not subject to this exception.

The term “xylazine” means the nonopioid tranquilizer methyl benzene compound frequently used in veterinary medicine as an emetic and sedative with analgesic and muscle relaxant properties.¹

The bill takes effect July 1, 2024.

II. Present Situation:

Currently, s. 893.03(1)(c)37, F.S., lists xylazine as a Schedule I drug. A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards.² Xylazine is also known as “tranq”³ and is a central nervous system depressant that can cause drowsiness, amnesia, slow breathing, low heart rate and blood pressure. Xylazine is FDA approved for use in animals as a sedative and pain reliever, it is not safe for use in humans and it

¹ 15 U.S.C. 278u.

² Section 893.03(1), F.S.

³ National Library of Medicine, *Increasing presence of xylazine in heroin and/or fentanyl deaths*, Philadelphia, Pennsylvania, 2010–2019, Johnson J, Pizzicato L, Johnson C, Viner K., August 2021, available at [Increasing presence of xylazine in heroin and/or fentanyl deaths, Philadelphia, Pennsylvania, 2010-2019 - PubMed \(nih.gov\)](#) (last visited January 11, 2024).

is not known if the exposure can be reversed by naloxone.⁴ Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.⁵

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the “potential for abuse”⁶ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect

⁴ U.S. Food and Drug Administration, *FDA alerts health care professionals of risks to patients exposed to xylazine in illicit drugs*, November 8, 2022, available at <https://www.fda.gov/drugs/drug-safety-and-availability/fda-alerts-health-care-professionals-risks-patients-exposed-xylazine-illicit-drugs> (last visited January 11, 2024).

⁵ National Institute on Drug Abuse, *Xylazine Research Topics*, available at <https://nida.nih.gov/research-topics/xylazine> (last visited on January 8, 2024).

⁶ Section 893.035(3)(a), F.S., defines “potential for abuse” as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user’s health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user’s own initiative rather than on the basis of professional medical advice.

on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Controlled Substance Offenses Under ss. 893.13 and 893.135, F.S.

Section 893.13, F.S., in part, punishes unlawful possession, sale, purchase, manufacture, and delivery of a controlled substance.⁷ The penalty for violating s. 893.13, F.S., generally depends on the act committed, the substance and quantity of the substance involved, and the location in which the violation occurred.

Drug trafficking, which is punished in s. 893.135, F.S., consists of knowingly selling, purchasing, manufacturing, delivering, or bringing into this state (importation), or knowingly being in actual or constructive possession of, certain Schedule I or Schedule II controlled substances in a statutorily-specified quantity. The statute only applies to a limited number of such controlled substances, and the controlled substances involved in the trafficking must meet a specified weight or quantity threshold.

III. Effect of Proposed Changes:

The bill amends s. 893.03, F.S., to except from the list of Schedule 1 controlled substances xylazine animal drug products that are approved by the United States Food and Drug Administration and the use of which conforms to the approved application or is authorized under federal law. The manufacture, importation, distribution, prescribing, or sale of xylazine for human use is not subject to this exception.

The bill takes effect July 1, 2024.

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.

⁷ See e.g., s. 893.13(1)(a) and (b) and (6), F.S.

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 Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 893.03 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 Gruters

22-00740-24

2024700__

A bill to be entitled

An act relating to controlled substances; amending s. 893.03, F.S.; excepting from the list of Schedule I controlled substances certain xylazine animal drug products approved by the United States Food and Drug Administration and used for certain purposes; providing applicability; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 893.03, Florida Statutes, is amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, trade name, or class designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled “Excluded Substances”; 21 C.F.R. s. 1308.24, styled “Exempt Chemical Preparations”; 21 C.F.R. s. 1308.32, styled “Exempted Prescription Products”; or 21 C.F.R. s. 1308.34, styled “Exempt Anabolic Steroid Products.”

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

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(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of their salts, isomers, including optical, positional, or geometric isomers, homologues, nitrogen-heterocyclic analogs, esters, ethers, and salts of isomers, homologues, nitrogen-heterocyclic analogs, esters, or ethers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation or class description:

1. Alpha-Ethyltryptamine.

2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-oxazoline).

3. Aminorex (2-Amino-5-phenyl-2-oxazoline).

4. DOB (4-Bromo-2,5-dimethoxyamphetamine).

5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).

6. Bufotenine.

7. Cannabis.

8. Cathinone.

9. DET (Diethyltryptamine).

10. 2,5-Dimethoxyamphetamine.

11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine).

12. DMT (Dimethyltryptamine).

13. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog of phencyclidine).

14. JB-318 (N-Ethyl-3-piperidyl benzilate).

15. N-Ethylamphetamine.

16. Fenethylamine.

17. 3,4-Methylenedioxy-N-hydroxyamphetamine.

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- 59 18. Ibogaine.
- 60 19. LSD (Lysergic acid diethylamide).
- 61 20. Mescaline.
- 62 21. Methcathinone.
- 63 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 64 23. PMA (4-Methoxyamphetamine).
- 65 24. PMMA (4-Methoxymethamphetamine).
- 66 25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- 67 26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- 68 27. MDA (3,4-Methylenedioxyamphetamine).
- 69 28. JB-336 (N-Methyl-3-piperidyl benzilate).
- 70 29. N,N-Dimethylamphetamine.
- 71 30. Parahexyl.
- 72 31. Peyote.
- 73 32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
- 74 analog of phencyclidine).
- 75 33. Psilocybin.
- 76 34. Psilocyn.
- 77 35. *Salvia divinorum*, except for any drug product approved
- 78 by the United States Food and Drug Administration which contains
- 79 *Salvia divinorum* or its isomers, esters, ethers, salts, and
- 80 salts of isomers, esters, and ethers, if the existence of such
- 81 isomers, esters, ethers, and salts is possible within the
- 82 specific chemical designation.
- 83 36. Salvinorin A, except for any drug product approved by
- 84 the United States Food and Drug Administration which contains
- 85 Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 86 isomers, esters, and ethers, if the existence of such isomers,
- 87 esters, ethers, and salts is possible within the specific

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- 88 chemical designation.
- 89 37. Xylazine, except for a xylazine animal drug product
- 90 approved by the United States Food and Drug Administration and
- 91 the use of which conforms to the approved application or is
- 92 authorized under 21 U.S.C. s. 360b(a)(4). The manufacture,
- 93 importation, distribution, prescribing, or sale of xylazine for
- 94 human use is not subject to this exception.
- 95 38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)
- 96 (Thiophene analog of phencyclidine).
- 97 39. 3,4,5-Trimethoxyamphetamine.
- 98 40. Methylone (3,4-Methylenedioxymethcathinone).
- 99 41. MDPV (3,4-Methylenedioxypyrovalerone).
- 100 42. Methylmethcathinone.
- 101 43. Methoxymethcathinone.
- 102 44. Fluoromethcathinone.
- 103 45. Methylethcathinone.
- 104 46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
- 105 yl)phenol) and its dimethyloctyl (C8) homologue.
- 106 47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
- 107 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
- 108 48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- 109 49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- 110 50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
- 111 naphthoyl)indole).
- 112 51. BZP (Benzylpiperazine).
- 113 52. Fluorophenylpiperazine.
- 114 53. Methylphenylpiperazine.
- 115 54. Chlorophenylpiperazine.
- 116 55. Methoxyphenylpiperazine.

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117 56. DBZP (1,4-Dibenzylpiperazine).
 118 57. TFMPP (Trifluoromethylphenylpiperazine).
 119 58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
 120 Methylenedioxy-N-methylbutanamine).
 121 59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
 122 60. 5-Hydroxy-N-methyltryptamine.
 123 61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
 124 62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
 125 63. Methyltryptamine.
 126 64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
 127 65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
 128 66. Tyramine (4-Hydroxyphenethylamine).
 129 67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
 130 68. DiPT (N,N-Diisopropyltryptamine).
 131 69. DPT (N,N-Dipropyltryptamine).
 132 70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
 133 71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
 134 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
 135 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
 136 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
 137 75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
 138 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
 139 77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
 140 78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
 141 79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
 142 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
 143 81. Butylone (3,4-Methylenedioxy-alpha-
 144 methylaminobutyrophenone).
 145 82. Ethcathinone.

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146 83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
 147 84. Naphyrone (Naphthylpyrovalerone).
 148 85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
 149 86. 3,4-Methylenedioxy-N,N-diethylcathinone.
 150 87. 3,4-Methylenedioxy-propiofenone.
 151 88. 3,4-Methylenedioxy-alpha-bromopropiofenone.
 152 89. 3,4-Methylenedioxy-propiofenone-2-oxime.
 153 90. 3,4-Methylenedioxy-N-acetylcathinone.
 154 91. 3,4-Methylenedioxy-N-acetylmethcathinone.
 155 92. 3,4-Methylenedioxy-N-acetylethcathinone.
 156 93. Bromomethcathinone.
 157 94. Buphedrone (alpha-Methylamino-butyrophenone).
 158 95. Eutylone (3,4-Methylenedioxy-alpha-
 159 ethylaminobutyrophenone).
 160 96. Dimethylcathinone.
 161 97. Dimethylmethcathinone.
 162 98. Pentylone (3,4-Methylenedioxy-alpha-
 163 methylaminovalerophenone).
 164 99. MDPPP (3,4-Methylenedioxy-alpha-
 165 pyrrolidinopropiofenone).
 166 100. MDPBP (3,4-Methylenedioxy-alpha-
 167 pyrrolidinobutyrophenone).
 168 101. MOPPP (Methoxy-alpha-pyrrolidinopropiofenone).
 169 102. MPHP (Methyl-alpha-pyrrolidinohehexanophenone).
 170 103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
 171 (Benocyclidine).
 172 104. F-MABP (Fluoromethylaminobutyrophenone).
 173 105. MeO-PBP (Methoxypyrrolidinobutyrophenone).
 174 106. Et-PBP (Ethylpyrrolidinobutyrophenone).

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175 107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
 176 108. Me-EABP (Methylethylaminobutyrophenone).
 177 109. Etizolam.
 178 110. PPP (Pyrrolidinopropiophenone).
 179 111. PBP (Pyrrolidinobutyrophenone).
 180 112. PVP (Pyrrolidinovalerophenone) or
 181 (Pyrrolidinopentiophenone).
 182 113. MPPP (Methyl-alpha-pyrrolidinopropiophenone).
 183 114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl) indole).
 184 115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl) indole).
 185 116. JWH-019 (1-Hexyl-3-(1-naphthoyl) indole).
 186 117. JWH-020 (1-Heptyl-3-(1-naphthoyl) indole).
 187 118. JWH-072 (1-Propyl-3-(1-naphthoyl) indole).
 188 119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl) indole).
 189 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole).
 190 121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
 191 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
 192 122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole).
 193 123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl) indole).
 194 124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole).
 195 125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole).
 196 126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole).
 197 127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl) indole).
 198 128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl) indole).
 199 129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole).
 200 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 201 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 202 ol).
 203 131. HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-methyloctan-

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204 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
 205 methanol).
 206 132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
 207 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
 208 1,4-dione).
 209 133. CB-13 (4-Pentyloxy-1-(1-naphthoyl) naphthalene).
 210 134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 211 undecanamide).
 212 135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 213 undecanamide).
 214 136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-
 215 methyloctan-2-yl)phenol).
 216 137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole).
 217 138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole).
 218 139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl) indole).
 219 140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
 220 methoxyphenylacetyl) indole).
 221 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
 222 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 223 naphthalenylmethanone).
 224 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
 225 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 226 naphthalenylmethanone).
 227 143. Pentedrone (alpha-Methylaminovalerophenone).
 228 144. Fluoroamphetamine.
 229 145. Fluoromethamphetamine.
 230 146. Methoxetamine.
 231 147. Methiopropamine.
 232 148. Methylbuphedrone (Methyl-alpha-

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233 methylaminobutyrophenone).

234 149. APB ((2-Aminopropyl)benzofuran).

235 150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).

236 151. UR-144 (1-Pentyl-3-(2,2,3,3-

237 tetramethylcyclopropanoyl)indole).

238 152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-

239 tetramethylcyclopropanoyl)indole).

240 153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-

241 tetramethylcyclopropanoyl)indole).

242 154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

243 155. AM-2233(1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

244 iodobenzoyl)indole).

245 156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-

246 carboxamide).

247 157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-

248 cyclohexylcarbamate).

249 158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,

250 cyclohexyl ester).

251 159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-

252 benzoxazin-4-one).

253 160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

254 161. 2C-H (2,5-Dimethoxyphenethylamine).

255 162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).

256 163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).

257 164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-

258 methoxybenzyl)]phenethylamine).

259 165. MDMA (3,4-Methylenedioxyamphetamphetamine).

260 166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).

261 167. Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-

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262 carboxylate).

263 168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-

264 carboxylate).

265 169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-

266 3-carboxamide).

267 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

268 pentylindazole-3-carboxamide).

269 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

270 (4-fluorobenzyl)indazole-3-carboxamide).

271 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-

272 1-pentylindazole-3-carboxamide).

273 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

274 yl)-1-(fluoropentyl)indole-3-carboxamide).

275 174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-

276 methoxybenzyl)]phenethylamine).

277 175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-

278 methoxybenzyl)]phenethylamine).

279 176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

280 (cyclohexylmethyl)indazole-3-carboxamide).

281 177. FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-

282 carboxylate).

283 178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-

284 3-carboxamide).

285 179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

286 (fluoropentyl)indazole-3-carboxamide).

287 180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).

288 181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-

289 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).

290 182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-

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291 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
 292 hexahydrobenzo[c]chromen-1-ol).

293 183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-
 294 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-
 295 hexahydrobenzo[c]chromen-1-ol).

296 184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-
 297 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9
 298 diol).

299 185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-
 300 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-
 301 tetrahydro-6aH-benzo[c]chromen-1-ol).

302 186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-
 303 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

304 187. MAPB ((2-Methylaminopropyl)benzofuran).

305 188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

306 189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

307 190. Synthetic Cannabinoids.—Unless specifically excepted
 308 or unless listed in another schedule or contained within a
 309 pharmaceutical product approved by the United States Food and
 310 Drug Administration, any material, compound, mixture, or
 311 preparation that contains any quantity of a synthetic
 312 cannabinoid found to be in any of the following chemical class
 313 descriptions, or homologues, nitrogen-heterocyclic analogs,
 314 isomers (including optical, positional, or geometric), esters,
 315 ethers, salts, and salts of homologues, nitrogen-heterocyclic
 316 analogs, isomers, esters, or ethers, whenever the existence of
 317 such homologues, nitrogen-heterocyclic analogs, isomers, esters,
 318 ethers, salts, and salts of isomers, esters, or ethers is
 319 possible within the specific chemical class or designation.

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320 Since nomenclature of these synthetically produced cannabinoids
 321 is not internationally standardized and may continually evolve,
 322 these structures or the compounds of these structures shall be
 323 included under this subparagraph, regardless of their specific
 324 numerical designation of atomic positions covered, if it can be
 325 determined through a recognized method of scientific testing or
 326 analysis that the substance contains properties that fit within
 327 one or more of the following categories:

328 a. Tetrahydrocannabinols.—Any tetrahydrocannabinols
 329 naturally contained in a plant of the genus *Cannabis*, the
 330 synthetic equivalents of the substances contained in the plant
 331 or in the resinous extracts of the genus *Cannabis*, or synthetic
 332 substances, derivatives, and their isomers with similar chemical
 333 structure and pharmacological activity, including, but not
 334 limited to, Delta 9 tetrahydrocannabinols and their optical
 335 isomers, Delta 8 tetrahydrocannabinols and their optical
 336 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
 337 isomers, or any compound containing a tetrahydrobenzo[c]chromene
 338 structure with substitution at either or both the 3-position or
 339 9-position, with or without substitution at the 1-position with
 340 hydroxyl or alkoxy groups, including, but not limited to:

341 (I) Tetrahydrocannabinol.
 342 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 343 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 344 ol).
 345 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 346 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 347 ol).
 348 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-

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349 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

350 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-

351 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

352 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-

353 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

354 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-

355 dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

356 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-

357 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

358 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-

359 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

360 (X) Parahexyl.

361 b. Naphthoylindoles, Naphthoylindazoles,

362 Naphthoylcarbazoles, Naphthylmethylindoles,

363 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any

364 compound containing a naphthoylindole, naphthoylindazole,

365 naphthoylcarbazole, naphthylmethylindole,

366 naphthylmethylindazole, or naphthylmethylcarbazole structure,

367 with or without substitution on the indole, indazole, or

368 carbazole ring to any extent, whether or not substituted on the

369 naphthyl ring to any extent, including, but not limited to:

370 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

371 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-

372 naphthoyl)indole).

373 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

374 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).

375 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

376 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).

377 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).

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378 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).

379 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).

380 (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).

381 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

382 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).

383 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).

384 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-

385 naphthoyl)indole).

386 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).

387 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

388 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-

389 naphthoyl)indole).

390 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl)indole).

391 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).

392 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).

393 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).

394 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-

395 naphthylmethyl]indole).

396 (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-

397 naphthoyl)indole).

398 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-

399 naphthoyl)indole).

400 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-

401 naphthoyl)indole).

402 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).

403 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).

404 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).

405 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).

406 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).

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407 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-
 408 naphthoyl)indole).
 409 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-
 410 naphthoyl)indole).
 411 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-
 412 naphthoyl)indole).
 413 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-
 414 naphthoyl)indole).
 415 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-
 416 naphthoyl)indole).
 417 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).
 418 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-
 419 naphthoyl)indazole).
 420 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-
 421 naphthoyl)indole).
 422 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-
 423 naphthoyl)indole).
 424 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
 425 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-
 426 naphthoyl)carbazole).
 427 c. Naphthoylpyrroles.—Any compound containing a
 428 naphthoylpyrrole structure, with or without substitution on the
 429 pyrrole ring to any extent, whether or not substituted on the
 430 naphthyl ring to any extent, including, but not limited to:
 431 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
 432 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).
 433 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).
 434 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).
 435 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).

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436 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-
 437 naphthoyl)pyrrole).
 438 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-
 439 naphthoyl)pyrrole).
 440 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
 441 naphthoyl)pyrrole).
 442 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
 443 naphthoyl)pyrrole).
 444 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
 445 naphthoyl)pyrrole).
 446 d. Naphthylmethylenindenenes.—Any compound containing a
 447 naphthylmethylenindene structure, with or without substitution
 448 at the 3-position of the indene ring to any extent, whether or
 449 not substituted on the naphthyl ring to any extent, including,
 450 but not limited to, JWH-176 (3-Pentyl-1-
 451 (naphthylmethylene)indene).
 452 e. Phenylacetylindoles and Phenylacetylindazoles.—Any
 453 compound containing a phenylacetylindole or phenylacetylindazole
 454 structure, with or without substitution on the indole or
 455 indazole ring to any extent, whether or not substituted on the
 456 phenyl ring to any extent, including, but not limited to:
 457 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
 458 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
 459 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
 460 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
 461 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
 462 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
 463 (VII) Cannabipiperidiethanone.
 464 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-

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methoxyphenylacetyl)indole).

f. Cyclohexylphenols.—Any compound containing a cyclohexylphenol structure, with or without substitution at the 5-position of the phenolic ring to any extent, whether or not substituted on the cyclohexyl ring to any extent, including, but not limited to:

(I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol).

(II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8) homologue).

(III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-methyloctan-2-yl)phenol).

g. Benzoylindoles and Benzoylindazoles.—Any compound containing a benzoylindole or benzoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

(I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).

(II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

(III) AM-1241 (1-[(N-Methyl-2-piperidiny)methyl]-3-(2-iodo-5-nitrobenzoyl)indole).

(IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole).

(V) AM-2233 (1-[(N-Methyl-2-piperidiny)methyl]-3-(2-iodobenzoyl)indole).

(VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

(VII) RCS-4 C4 homologue (1-Butyl-3-(4-methoxybenzoyl)indole).

(VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-

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3-(4-methoxybenzoyl)indole).

h. Tetramethylcyclopropanoylindoles and Tetramethylcyclopropanoylindazoles.—Any compound containing a tetramethylcyclopropanoylindole or tetramethylcyclopropanoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the tetramethylcyclopropyl group to any extent, including, but not limited to:

(I) UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indazole).

(IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(X) AB-005 (1-[(1-Methyl-2-piperidiny)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole

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carboxamides, and Adamantylindazole carboxamides.—Any compound containing an adamantoyl indole, adamantoyl indazole, adamantyl indole carboxamide, or adamantyl indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent, including, but not limited to:

(I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

(II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

(III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).

(IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-adamantoyl)indole).

(V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

(VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

(VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-adamantoyl)indole).

j. Quinoliny lindolecarboxylates, Quinoliny lindolecarboxylates, Quinoliny lindolecarboxamides, and Quinoliny lindolecarboxamides.—Any compound containing a quinoliny lindole carboxylate, quinoliny lindazole carboxylate, isoquinoliny lindole carboxylate, isoquinoliny lindazole carboxylate, quinoliny lindole carboxamide, quinoliny lindazole carboxamide, isoquinoliny lindole carboxamide, or isoquinoliny lindazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the quinoline or isoquinoline ring to any extent, including, but not limited to:

(I) PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).

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(II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-carboxylate).

(III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-carboxylate).

(IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).

(VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-3-carboxylate).

(VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-3-carboxylate).

(VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).

(IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-carboxamide).

k. Naphthylindolecarboxylates and Naphthylindazolecarboxylates.—Any compound containing a naphthylindole carboxylate or naphthylindazole carboxylate structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-carboxylate).

(II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-carboxylate).

(III) Fluoro SDB-005 (1-Naphthalenyl 1-(fluoropentyl)indazole-3-carboxylate).

(IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-

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581 carboxylate).

582 1. Naphthylindole carboxamides and Naphthylindazole

583 carboxamides.—Any compound containing a naphthylindole

584 carboxamide or naphthylindazole carboxamide structure, with or

585 without substitution on the indole or indazole ring to any

586 extent, whether or not substituted on the naphthyl ring to any

587 extent, including, but not limited to:

588 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

589 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-

590 3-carboxamide).

591 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-

592 (chloropentyl)indole-3-carboxamide).

593 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-

594 carboxamide).

595 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-

596 (fluoropentyl)indazole-3-carboxamide).

597 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl

598 indazole carboxamides, Alkylcarbonyl indole carboxylates, and

599 Alkylcarbonyl indazole carboxylates.—Any compound containing an

600 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,

601 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-

602 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an

603 indole carboxamide, indazole carboxamide, indole carboxylate, or

604 indazole carboxylate, with or without substitution on the indole

605 or indazole ring to any extent, whether or not substituted on

606 the alkylcarbonyl group to any extent, including, but not

607 limited to:

608 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-

609 pentylindole-3-carboxamide).

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610 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

611 yl)-1-(fluoropentyl)indole-3-carboxamide).

612 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

613 (fluoropentyl)indole-3-carboxamide).

614 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

615 pentylindazole-3-carboxamide).

616 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-

617 1-(fluoropentyl)indazole-3-carboxamide).

618 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-

619 1-pentylindazole-3-carboxamide).

620 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-

621 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

622 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

623 (4-fluorobenzyl)indazole-3-carboxamide).

624 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

625 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

626 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

627 (cyclohexylmethyl)indazole-3-carboxamide).

628 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

629 (cyclohexylmethyl)indazole-3-carboxamide).

630 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

631 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

632 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

633 pentylindazole-3-carboxamide).

634 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

635 (fluoropentyl)indazole-3-carboxamide).

636 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-

637 fluorobenzyl)indazole-3-carboxamide).

638 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

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639 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

640 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

641 2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

642 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

643 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

644 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

645 fluoropentyl)indole-3-carboxamide).

646 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

647 fluoropentyl)indazole-3-carboxamide).

648 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-

649 (cyclohexylmethyl)indazole-3-carboxamide).

650 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-

651 fluorobenzyl)indazole-3-carboxamide).

652 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

653 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

654 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.-

655 Any compound containing a N-(2-phenylpropan-2-yl) indole

656 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide

657 structure, with or without substitution on the indole or

658 indazole ring to any extent, whether or not substituted on the

659 phenyl ring of the cumyl group to any extent, including, but not

660 limited to:

661 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-

662 carboxamide).

663 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-

664 (fluoropentyl)indole-3-carboxamide).

665 o. Other Synthetic Cannabinoids.-Any material, compound,

666 mixture, or preparation that contains any quantity of a

667 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

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668 (I) With or without modification or replacement of a

669 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage

670 between either two core rings, or linkage between a core ring

671 and group structure, with or without the addition of a carbon or

672 replacement of a carbon;

673 (II) With or without replacement of a core ring or group

674 structure, whether or not substituted on the ring or group

675 structures to any extent; and

676 (III) Is a cannabinoid receptor agonist, unless

677 specifically excepted or unless listed in another schedule or

678 contained within a pharmaceutical product approved by the United

679 States Food and Drug Administration.

680 191. Substituted Cathinones.-Unless specifically excepted,

681 listed in another schedule, or contained within a pharmaceutical

682 product approved by the United States Food and Drug

683 Administration, any material, compound, mixture, or preparation,

684 including its salts, isomers, esters, or ethers, and salts of

685 isomers, esters, or ethers, whenever the existence of such salts

686 is possible within any of the following specific chemical

687 designations:

688 a. Any compound containing a 2-amino-1-phenyl-1-propanone

689 structure;

690 b. Any compound containing a 2-amino-1-naphthyl-1-propanone

691 structure; or

692 c. Any compound containing a 2-amino-1-thiophenyl-1-

693 propanone structure,

694 whether or not the compound is further modified:

695 (I) With or without substitution on the ring system to any

696

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697 extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy,
 698 haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused
 699 dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide
 700 substituents;

701 (II) With or without substitution at the 3-propanone
 702 position with an alkyl substituent or removal of the methyl
 703 group at the 3-propanone position;

704 (III) With or without substitution at the 2-amino nitrogen
 705 atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or
 706 not further substituted in the ring system; or

707 (IV) With or without inclusion of the 2-amino nitrogen atom
 708 in a cyclic structure, including, but not limited to:

709 (A) Methcathinone.

710 (B) Ethcathinone.

711 (C) Methylone (3,4-Methylenedioxy-methcathinone).

712 (D) 2,3-Methylenedioxy-methcathinone.

713 (E) MDPV (3,4-Methylenedioxypropylvalerone).

714 (F) Methylethcathinone.

715 (G) Methoxymethcathinone.

716 (H) Fluoromethcathinone.

717 (I) Methylethcathinone.

718 (J) Butylone (3,4-Methylenedioxy-alpha-
 719 methylaminobutyrophenone).

720 (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

721 (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).

722 (M) Naphyrone (Naphthylpyrovalerone).

723 (N) Bromomethcathinone.

724 (O) Buphedrone (alpha-Methylaminobutyrophenone).

725 (P) Eutylone (3,4-Methylenedioxy-alpha-

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726 ethylaminobutyrophenone).

727 (Q) Dimethylcathinone.

728 (R) Dimethylmethcathinone.

729 (S) Pentylone (3,4-Methylenedioxy-alpha-
 730 methylaminovalerophenone).

731 (T) Pentedrone (alpha-Methylaminovalerophenone).

732 (U) MDPPP (3,4-Methylenedioxy-alpha-
 733 pyrrolidinopropiophenone).

734 (V) MDPBP (3,4-Methylenedioxy-alpha-
 735 pyrrolidinobutyrophenone).

736 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).

737 (X) PPP (Pyrrolidinopropiophenone).

738 (Y) PVP (Pyrrolidinovalerophenone) or
 739 (Pyrrolidinopentiophenone).

740 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).

741 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).

742 (BB) F-MABP (Fluoromethylaminobutyrophenone).

743 (CC) Me-EABP (Methylethylaminobutyrophenone).

744 (DD) PBP (Pyrrolidinobutyrophenone).

745 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).

746 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).

747 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).

748 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
 749 dimethylcathinone).

750 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.

751 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.

752 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.

753 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.

754 (MM) Methylbuphedrone (Methyl-alpha-

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755 methylaminobutyrophenone).
 756 (NN) Methyl-alpha-methylaminohexanophenone.
 757 (OO) N-Ethyl-N-methylcathinone.
 758 (PP) PHP (Pyrrolidinohexanophenone).
 759 (QQ) PV8 (Pyrrolidinoheptanophenone).
 760 (RR) Chloromethcathinone.
 761 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
 762 192. Substituted Phenethylamines.—Unless specifically
 763 excepted or unless listed in another schedule, or contained
 764 within a pharmaceutical product approved by the United States
 765 Food and Drug Administration, any material, compound, mixture,
 766 or preparation, including its salts, isomers, esters, or ethers,
 767 and salts of isomers, esters, or ethers, whenever the existence
 768 of such salts is possible within any of the following specific
 769 chemical designations, any compound containing a phenethylamine
 770 structure, without a beta-keto group, and without a benzyl group
 771 attached to the amine group, whether or not the compound is
 772 further modified with or without substitution on the phenyl ring
 773 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
 774 halide, fused alkylenedioxy, fused furan, fused benzofuran,
 775 fused dihydrofuran, or fused tetrahydropyran substituents,
 776 whether or not further substituted on a ring to any extent, with
 777 or without substitution at the alpha or beta position by any
 778 alkyl substituent, with or without substitution at the nitrogen
 779 atom, and with or without inclusion of the 2-amino nitrogen atom
 780 in a cyclic structure, including, but not limited to:
 781 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
 782 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
 783 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).

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784 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
 785 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
 786 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
 787 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
 788 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
 789 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
 790 j. 2C-H (2,5-Dimethoxyphenethylamine).
 791 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
 792 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
 793 m. MDMA (3,4-Methylenedioxyamphetamine).
 794 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
 795 Methylenedioxy-N-methylbutanamine).
 796 o. MDA (3,4-Methylenedioxyamphetamine).
 797 p. 2,5-Dimethoxyamphetamine.
 798 q. Fluoroamphetamine.
 799 r. Fluoromethamphetamine.
 800 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
 801 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
 802 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
 803 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
 804 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
 805 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
 806 y. PMA (4-Methoxyamphetamine).
 807 z. N-Ethylamphetamine.
 808 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
 809 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
 810 cc. PMMA (4-Methoxymethamphetamine).
 811 dd. N,N-Dimethylamphetamine.
 812 ee. 3,4,5-Trimethoxyamphetamine.

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813 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
 814 gg. 5-APB (5-(2-Aminopropyl)benzofuran).
 815 hh. 6-APB (6-(2-Aminopropyl)benzofuran).
 816 ii. 7-APB (7-(2-Aminopropyl)benzofuran).
 817 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 818 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 819 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 820 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 821 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
 822 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
 823 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
 824 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
 825 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
 826 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-
 827 dihydrobenzofuran),
 828
 829 which does not include phenethylamine, mescaline as described in
 830 subparagraph 20., substituted cathinones as described in
 831 subparagraph 191., N-Benzyl phenethylamine compounds as
 832 described in subparagraph 193., or methamphetamine as described
 833 in subparagraph (2)(c)5.
 834 193. N-Benzyl Phenethylamine Compounds.—Unless specifically
 835 excepted or unless listed in another schedule, or contained
 836 within a pharmaceutical product approved by the United States
 837 Food and Drug Administration, any material, compound, mixture,
 838 or preparation, including its salts, isomers, esters, or ethers,
 839 and salts of isomers, esters, or ethers, whenever the existence
 840 of such salts is possible within any of the following specific
 841 chemical designations, any compound containing a phenethylamine

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842 structure without a beta-keto group, with substitution on the
 843 nitrogen atom of the amino group with a benzyl substituent, with
 844 or without substitution on the phenyl or benzyl ring to any
 845 extent with alkyl, alkoxy, thio, alkylthio, halide, fused
 846 alkylenedioxy, fused furan, fused benzofuran, or fused
 847 tetrahydropyran substituents, whether or not further substituted
 848 on a ring to any extent, with or without substitution at the
 849 alpha position by any alkyl substituent, including, but not
 850 limited to:
 851 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
 852 methoxybenzyl)]phenethylamine).
 853 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-
 854 hydroxybenzyl)]phenethylamine).
 855 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-
 856 fluorobenzyl)]phenethylamine).
 857 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-
 858 methylenedioxybenzyl)]phenethylamine).
 859 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-
 860 methoxybenzyl)]phenethylamine).
 861 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-
 862 hydroxybenzyl)]phenethylamine).
 863 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-
 864 fluorobenzyl)]phenethylamine).
 865 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-
 866 methylenedioxybenzyl)]phenethylamine).
 867 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-
 868 methoxybenzyl)]phenethylamine).
 869 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-
 870 methoxybenzyl)]phenethylamine).

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871 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-
 872 methoxybenzyl)]phenethylamine).
 873 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-
 874 methoxybenzyl)]phenethylamine).
 875 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-
 876 hydroxybenzyl)]phenethylamine).
 877 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-
 878 fluorobenzyl)]phenethylamine).
 879 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-
 880 methylenedioxybenzyl)]phenethylamine).
 881 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-
 882 methoxybenzyl)]phenethylamine).
 883 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-
 884 hydroxybenzyl)]phenethylamine).
 885 r. 25H-NBF (2,5-Dimethoxy-[N-(2-
 886 fluorobenzyl)]phenethylamine).
 887 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-
 888 methoxybenzyl)]phenethylamine),
 889 which does not include substituted cathinones as described in
 890 subparagraph 191.
 891 194. Substituted Tryptamines.—Unless specifically excepted
 892 or unless listed in another schedule, or contained within a
 893 pharmaceutical product approved by the United States Food and
 894 Drug Administration, any material, compound, mixture, or
 895 preparation containing a 2-(1H-indol-3-yl)ethanamine, for
 896 example tryptamine, structure with or without mono- or di-
 897 substitution of the amine nitrogen with alkyl or alkenyl groups,
 898 or by inclusion of the amino nitrogen atom in a cyclic
 899

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900 structure, whether or not substituted at the alpha position with
 901 an alkyl group, whether or not substituted on the indole ring to
 902 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
 903 groups, including, but not limited to:
 904 a. Alpha-Ethyltryptamine.
 905 b. Bufotenine.
 906 c. DET (Diethyltryptamine).
 907 d. DMT (Dimethyltryptamine).
 908 e. MET (N-Methyl-N-ethyltryptamine).
 909 f. DALT (N,N-Diallyltryptamine).
 910 g. EiPT (N-Ethyl-N-isopropyltryptamine).
 911 h. MiPT (N-Methyl-N-isopropyltryptamine).
 912 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
 913 j. 5-Hydroxy-N-methyltryptamine.
 914 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
 915 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
 916 m. Methyltryptamine.
 917 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
 918 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
 919 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
 920 q. DiPT (N,N-Diisopropyltryptamine).
 921 r. DPT (N,N-Dipropyltryptamine).
 922 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
 923 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
 924 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
 925 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
 926 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
 927 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
 928 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-

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929 isopropyltryptamine).

930 z. Methyl-alpha-ethyltryptamine.

931 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

932

933 which does not include tryptamine, psilocyn as described in

934 subparagraph 34., or psilocybin as described in subparagraph 33.

935 195. Substituted Phenylcyclohexylamines.—Unless

936 specifically excepted or unless listed in another schedule, or

937 contained within a pharmaceutical product approved by the United

938 States Food and Drug Administration, any material, compound,

939 mixture, or preparation containing a phenylcyclohexylamine

940 structure, with or without any substitution on the phenyl ring,

941 any substitution on the cyclohexyl ring, any replacement of the

942 phenyl ring with a thiophenyl or benzothiophenyl ring, with or

943 without substitution on the amine with alkyl, dialkyl, or alkoxy

944 substituents, inclusion of the nitrogen in a cyclic structure,

945 or any combination of the above, including, but not limited to:

946 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP

947 (Benocyclidine).

948 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog

949 of phencyclidine).

950 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine

951 analog of phencyclidine).

952 d. PCPr (Phenylcyclohexylpropylamine).

953 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene

954 analog of phencyclidine).

955 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).

956 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).

957 h. Methoxetamine.

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958 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).

959 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).

960 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).

961 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).

962 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).

963 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).

964 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).

965 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).

966 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).

967 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

968 196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-

969 piperidinylidene]-benzenesulfonamide.

970 197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-

971 piperidinylidene]-benzenesulfonamide.

972 198. AH-7921, 3,4-dichloro-N-[[1-

973 (dimethylamino)cyclohexyl]methyl]-benzamide.

974 199. U47700, trans-3,4-dichloro-N-[2-

975 (dimethylamino)cyclohexyl]-N-methyl-benzamide.

976 200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine,

977 dihydrochloride.

978 Section 2. This act shall take effect July 1, 2024.

1/16/2024

Meeting Date

Criminal Justice

Committee

The Florida Senate

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700

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Samual Ard**

Phone **850.591.2731**

Address **P. O. Box 10406**

Email **sard@asrlegal.com**

Street

Tallahassee

FL

32302

City

State

Zip

Reset Form

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

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Florida Cattlemen's Association

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S-001 (08/10/2021)

The Florida Senate

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1/16/23

Meeting Date

SB 700

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

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Richard B. Williams

Phone

904 588-6612

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Jacksonville

City

FL

State

32225

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 732

INTRODUCER: Senator Powell

SUBJECT: Theft from Nonprofit Organizations

DATE: January 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			FP	

I. Summary:

SB 732 creates s. 812.0146, F.S., to reclassify theft offenses from nonprofit organizations. Whenever a person is charged with committing theft from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, the crime of theft is reclassified based on the value of the property taken. If the funds, assets, or property involved in the theft is valued at:

- \$50,000 or more, the offender commits a first degree felony.
- \$10,000 or more, but less than \$50,000, the offender commits a second degree felony.
- \$300 or more, but less than \$10,000, the offender commits a third degree felony.

The bill requires a person who is convicted of theft of more than \$1,000 from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, to make restitution to the victim of such offense and to perform up to 500 hours of community service in addition to any other fine or sentence imposed.

The bill may have an indeterminate fiscal impact on the Department of Corrections (DOC). See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2024.

II. Present Situation:

Nonprofit Organizations

In accordance with s. 501(c)(3) of the Internal Revenue Code, nonprofit organizations are organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or other specified purposes and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may

not attempt to influence legislation as a substantial part of its activities and may not participate in any campaign activity for or against political candidates. These organizations are commonly referred to as charitable organizations.¹

Theft

Section 812.014, F.S., provides that a person commits a theft if he or she knowingly obtains or uses, or endeavors to obtain or to 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 use the property.²

Second degree petit theft, a second degree misdemeanor,³ is theft of property valued at less than \$100.⁴ First degree petit theft, a first degree misdemeanor,⁵ is theft of property valued at \$100 or more but less than \$750.⁶ Second degree petit theft incurs greater penalties if there is a prior theft conviction: it is a first degree misdemeanor if there is one prior conviction,⁷ and a third degree felony if there are two or more prior convictions.⁸

Generally, a person commits a third degree felony⁹ crime of grand theft if the property stolen is valued at \$750 or more, but less than \$20,000.¹⁰ If the property stolen is \$20,000 or more, but less than \$100,000, the offender commits a second degree felony,¹¹¹² and if the property stolen is \$100,000 or more, the offender commits a first degree felony.¹³¹⁴ Other items listed under this section such as the theft of a firearm or a motor vehicle may also constitute grand theft.¹⁵

¹ See Internal Revenue Service, *Exemption Requirements –501(c)(3) Organizations*, available at: <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations> (Last visited January 8, 2024).

² Section 812.014(1), F.S.

³ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

⁴ Section 812.014(3)(a), F.S.

⁵ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁶ Section 812.014(2)(e), F.S.

⁷ Section 812.014(3)(b), F.S.

⁸ Section 812.014(3)(c), F.S.

⁹ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

¹⁰ Section 812.014(2)(c)1.-3., F.S.

¹¹ Section 812.014(2)(b), F.S.

¹² A second degree felony is generally punishable by not more than 15 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

¹³ Section 812.014(2)(a)1., F.S.

¹⁴ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

¹⁵ Section 812.014(2)(c), F.S.

Reclassification

Florida currently has various statutes that reclassify criminal offenses under specified circumstances. Generally, criminal laws provide for reclassification to the next highest degree. 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.¹⁶

Certain theft offenses are reclassified to the next higher degree offense if the person committing the offense has previous convictions. A third degree felony retail theft offense is reclassified to a second degree felony if the person has a previous retail theft conviction in violation of s 812.015(8), F.S.¹⁷

Reclassification under s. 812.0145, F.S., is similar to the reclassification provided in the bill for theft from a qualified charitable organization. Section 812.0145, F.S., reclassifies theft offenses when the victim is 65 years of age or older. Whenever a person is charged with committing theft from a person 65 years of age or older, when he or she knows or has reason to believe that the victim was 65 years of age or older, the crime of theft is reclassified based on the value of the property taken. If the funds, assets, or property involved in the theft is valued at:

- \$50,000 or more, the offender commits a first degree felony.
- \$10,000 or more, but less than \$50,000, the offender commits a second degree felony.
- \$300 or more, but less than \$10,000, the offender commits a third degree felony.¹⁸

A person who is convicted of theft of more than \$1,000, from a person who is 65 years of age or older, is required to make restitution to the victim of such offense and to perform up to 500 hours of community service work in addition to any fine or sentence imposed and must not be in lieu thereof.¹⁹

III. Effect of Proposed Changes:

The bill creates s. 812.0146, F.S., to reclassify theft offenses from nonprofit organizations. Whenever a person is charged with committing theft from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, the crime of theft is reclassified based on the value of the property taken. If the funds, assets, or property involved in the theft is valued at:

- \$50,000 or more, the offender commits a first degree felony.

¹⁶ Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense.

Section 775.083, F.S., provides the following maximum fines; \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

¹⁷ Section 812.015(9)(a), F.S.

¹⁸ Section 812.0145(2)(a-c), F.S.

¹⁹ Section 812.0145(1), F.S.

- \$10,000 or more, but less than \$50,000, the offender commits a second degree felony.
- \$300 or more, but less than \$10,000, the offender commits a third degree felony.

A person who is convicted of theft of more than \$1,000 from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, is required to make restitution to the victim of such offense and to perform up to 500 hours of community service in addition to any other fine or sentence imposed.

The bill is effective October 1, 2024.

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:

This bill may have a positive indeterminate prison bed impact due to an increased number of offenders receiving enhanced sentences under this section.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 812.0146 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 Powell

24-00456-24

2024732__

A bill to be entitled

An act relating to theft from nonprofit organizations; creating s. 812.0146, F.S.; providing for the reclassification of certain theft offenses of specified amounts from nonprofit organizations; requiring in certain cases that the judge require restitution and community service in addition to any fine or sentence imposed; providing an effective date.

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

Section 1. Section 812.0146, Florida Statutes, is created to read:

812.0146 Theft from a nonprofit organization; reclassification of offenses.-

(1) When a person is charged with committing theft from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, the offense for which the person is charged shall be reclassified as follows:

(a) If the funds, assets, or property involved in the theft from such an organization is valued at \$50,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the theft from such an organization is valued at \$10,000 or more, but less than \$50,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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2024732__

(c) If the funds, assets, or property involved in the theft from such an organization is valued at \$300 or more, but less than \$10,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) When a person who is convicted of theft of more than \$1,000 from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, the sentencing judge, in addition to any fine or sentence imposed, shall order the person to make restitution to the victim of such offense and perform up to 500 hours of community service.

Section 2. This act shall take effect October 1, 2024.

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The Florida Senate

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SB 732

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

11/16/2024

Committee

Criminal Justice

Name

Laurette Philipson- Florida Cares

Phone

561-855-0833

Address

7240 Westwind drive

Street

Email

laurette@florida
carescharity.org

City

Fort Lickey

State

FL

Zip

34668

Speaking:

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Against

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In Support

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(travel, meals, lodging, etc.),
sponsored by:

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 3, 2023

I respectfully request that **Senate Bill #732**, relating to **Theft from Nonprofit Organizations**, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 24

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 768

INTRODUCER: Senator Stewart

SUBJECT: Duty to Report Certain Deaths

DATE: January 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			HP	
3.			FP	

I. Summary:

SB 768 amends s. 406.12, F.S., to specify that a person who becomes aware of the death of any person occurring under the circumstances described in s. 406.11, F.S., must immediately report such to the district medical examiner.

The bill increases, from a first degree misdemeanor to a third degree felony, the criminal penalty for any person who becomes aware of the death of a person due to circumstances listed under s. 406.11, F.S., and he or she:

- Knowingly fails or refuses to report such death and circumstances;
- Refuses to make available prior medical records or other information pertinent to the death investigation; or
- Without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body, with the intent to alter evidence or circumstances surrounding the death.

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

The bill is effective July 1, 2024.

II. Present Situation:

Duty to Report

Section 406.12, F.S., requires any person in the district where a death occurs, including all municipalities and unincorporated and federal areas, who becomes aware of the death of a person due to circumstances listed under s. 406.11, F.S., to report such death and circumstances forthwith to the district medical examiner.

A person commits a first degree misdemeanor¹ if he or she:

- Knowingly fails or refuses to report such death and circumstances;
- Refuses to make available prior medical records or other information pertinent to the death investigation; or
- Without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body, with the intent to alter evidence or circumstances surrounding the death.

Section 406.11, F.S., provides the following circumstances that require the medical examiner of the district in which the death occurred or the body was found, to determine the cause of death and for that purpose, make or perform such examinations, investigations, and autopsies as he or she deems necessary or as requested by the state attorney:

- When a person dies in this state:
 - Of criminal violence.
 - By accident.
 - By suicide.
 - Suddenly, when in apparent good health.
 - Unattended by a practicing physician or other recognized practitioner.
 - In any prison or penal institution.
 - In police custody.
 - In any suspicious or unusual circumstance.
 - By criminal abortion.
 - By poison.
 - By disease constituting a threat to public health.
 - By disease, injury, or toxic agent resulting from employment.²
- When a dead body is brought into this state without proper medical certification.³
- When a body is to be cremated, dissected, or buried at sea.⁴

III. Effect of Proposed Changes:

The bill amends s. 406.12, F.S., to specify that a person who becomes aware of the death of any person occurring under the circumstances described in s. 406.11, F.S., must immediately report such to the district medical examiner.

The bill increases, from a first degree misdemeanor to a third degree felony,⁵ the criminal penalty for any person who becomes aware of the death of a person due to circumstances listed under s. 406.11, F.S., and he or she:

- Knowingly fails or refuses to report such death and circumstances;

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

² Section 406.12(1)(a), F.S.

³ Section 406.12(1)(b), F.S.

⁴ Section 406.12(1)(c), F.S.

⁵ A third degree felony is generally punishable by no more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

- Refuses to make available prior medical records or other information pertinent to the death investigation; or
- Without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body, with the intent to alter evidence or circumstances surrounding the death.

The bill is effective July 1, 2024.

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:

This bill may have a positive indeterminate impact (unqualified positive prison bed impact), due to the increased penalty provided in the bill. However, the Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 406.12 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 Stewart

17-00940-24

2024768__

A bill to be entitled

An act relating to the duty to report certain deaths;
amending s. 406.12, F.S.; reclassifying the criminal
penalty for failure or refusal to report certain
deaths and information to the district medical
examiner or for engaging in specified conduct related
to such deaths; providing an effective date.

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

Section 1. Section 406.12, Florida Statutes, is amended to
read:

406.12 Duty to report; prohibited acts.—It is the duty of
any person in the district where a death occurs, including all
municipalities and unincorporated and federal areas, who becomes
aware of the death of any person occurring under the
circumstances described in s. 406.11 to immediately report such
death and circumstances ~~forthwith~~ to the district medical
examiner. Any person who knowingly fails or refuses to report
such death and circumstances, who refuses to make available
prior medical or other information pertinent to the death
investigation, or who, without an order from the office of the
district medical examiner, willfully touches, removes, or
disturbs the body, clothing, or any article upon or near the
body, with the intent to alter the evidence or circumstances
surrounding the death, commits ~~shall be guilty of a felony~~
~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in
s. 775.082 or s. 775.083.

Section 2. This act shall take effect July 1, 2024.

Page 1 of 1

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

APPEARANCE RECORDSB 768

Meeting Date

1-16-24
CRIMINAL JUSTICE

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

CAPTAIN ANTORRIO WRIGHT
ORANGE COUNTY SHERIFF'S OFFICE

Phone

407-259-7448

Address

2500 W COLONIAL DR

Email

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Street

ORLANDOFL32804

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:ORANGE COUNTY SHERIFF'S
OFFICE.☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1048

INTRODUCER: Senator Burgess

SUBJECT: Independent Incentivized Prison Program

DATE: January 12, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	Favorable
2. _____	_____	ACJ	_____
3. _____	_____	FP	_____

I. Summary:

SB 1048 creates s. 944.8032, F.S., to implement an independent incentivized prison program within the Department of Corrections (DOC). The independent incentivized prison program is specific to eligible nonviolent offenders. The bill provides legislative intent and definitions for “nonviolent offense,” “recidivism,” and “tentative release date.” The bill provides criteria for the program to be established, admission criteria, requirements for the program, and reporting. The bill requires the DOC to adopt rules to implement the program.

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

The bill is effective July 1, 2024.

II. Present Situation:

The DOC is the largest state agency in Florida and the third largest state prison system in the country. The DOC employs nearly 24,000 members, incarcerates over 80,000 inmates, and supervises more than 146,000 offenders in the community. The DOC has 128 facilities statewide including 50 major institutions.¹

Incentivized prisons serve as voluntary, progressive housing units that afford inmates the opportunity to complete their sentence within a population of like-minded individuals wanting to overcome their problematic past and be the change agents of their futures. Current male incentivized prisons include Everglades, Marion, Sumter, Tomoka, Madison, and Jefferson correctional institutions. Female inmates are afforded a similar program, with similar

¹ Department of Corrections, *Institutions*, available at <https://fdc.myflorida.com/ci/index.html> (Last accessed January 11, 2024).

enhancements, in a dorm setting at Lowell Annex. As of April 2022, there were 7,736 male and 257 female inmates currently participating in the incentivized prison program and approximately 4,600 eligible male inmates on the waiting list.²

Specialized Program Institutions

Current incentivized prison programs are established in Rule 33-601.250, F.A.C. The Incentivized Prison Program refers to a voluntary prison program located at a DOC institution or dorm for inmates who meet a strict admission criteria based on their demonstrated positive behavior while incarcerated. The program focuses on quality of life and life skills improvements, education, recreation, leisure, wellness opportunities, and re-integration into the community. The program is housed under the DOC Office of Programs and Re-Entry.³

To be placed in an incentivized prison program, inmates must meet the following criteria:

- Must not have been assigned to Close Management⁴ within the last four years.
- Must not have been found guilty of a disciplinary report for any of the behaviors in the last four years such as: sexual battery or attempted sexual battery, assault or attempted assault, and other offenses.⁵
- Must not have been found guilty of a disciplinary report for any behavior listed that resulted in disciplinary confinement placement within the past two years.⁶
- Must not be otherwise documented a security or disciplinary risk.
- Must be compatible with the institution's mission and profile where the incentivized prison program is located.

Inmates may voluntarily request placement through his or her classification officer by submitting an inmate request form, or during his or her annual progress review.

² Department of Corrections, *Incentivized Prisons Overview*, April 7, 2022 (on file with the Senate Committee on Criminal Justice).

³ The Office of Programs and Re-Entry is committed to leadership in rehabilitative programs that support the improvement and readiness of lives in custody of the DOC and increases security and public safety by providing programming for productive learning, positively transforming behaviors, and teaching pro-social skills that assists with re-integration into communities. The Office oversees four bureaus: program development, substance use treatment, education, and chaplaincy services. See Department of Corrections, *Office of Programs and Re-Entry*, available at <https://fdc.myflorida.com/development/index.html> (Last accessed January 11, 2024).

⁴ Close management is the separation of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, when the inmate through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. Rule 33-601.800, F.A.C.

⁵ Rule 33-601.250, F.A.C. provides an inmate must not have been found guilty of a disciplinary report for specified behaviors within the past four years. These behaviors include, in part, sexual battery or attempted sexual battery; lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member, or visitor; or, aggravated battery or attempted aggravated battery on a correctional officer, staff other than a correctional officer, someone other than staff or inmates, or an inmate.

⁶ Rule 33-601.314, F.A.C. lists additional prohibited conduct in addition to Rule 33-601.250 F.A.C. Some examples of additional prohibited conduct includes: spoken, written, or gestured threats; disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like; possession of unauthorized or altered identification; possession of unauthorized clothing or linen; possession of stolen property; possession of any other contraband or transfer of items; possession, introduction, or trafficking of tobacco or related products.

The selection of an inmate to participate is based on a number of factors, including the inmate's disciplinary history, past transfers, length of incarceration, overall adjustment to the incarceration experience, security threat affiliation or activity, and past program participation. The State Classification Office⁷ is responsible for the review and selection of inmates that will maintain a balanced population⁸ and other factors that impact the security of the institution.

An inmate is removed from an incentivized prison program for any of the following reasons:

- Being found guilty of any disciplinary report for any behavior listed in Rule 33-601.314, F.A.C. that results in disciplinary confinement placement.
- Being found guilty of any disciplinary report listed in rule.
- By requesting removal in writing on an inmate request form.
- If determined to be a documented threat, removal can be initiated by the Warden, Assistant Warden, Colonel, or the classification office in conjunction with leadership.

An incentive under this program includes two additional visitation days per week. Participants also have access to the canteen in the morning and afternoon, and in the evening during summer months.

Faith- and Character-Based Programs

Section 944.803, F.S., outlines faith- and character-based programs with an emphasis on the importance of personal responsibility, meaningful work, education, substance abuse treatment, and peer support.⁹ Assignment to a program is based on evaluation and length of time the inmate is projected to be assigned to that particular institution where services are offered.¹⁰

III. Effect of Proposed Changes:

The bill creates s. 944.8032, F.S., to establish the independent incentivized prison program as an expansion of the incentivized prison programs under the DOC's Office of Programs and Re-Entry. This program will only be available to nonviolent offenders. The bill provides it is the intent of the Legislature that the DOC expand the incentivized prison program to provide education, life skills, and discharge planning in a continued effort to reduce recidivism rates. The DOC is encouraged to identify areas of need and alternative pathways to reducing recidivism rates.

The bill defines the terms "nonviolent offense,"¹¹ "recidivism,"¹² and "tentative release date."¹³

⁷ State Classification Office (SCO) refers to the office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying Institutional Classification Team recommendations, and approving program transfers. Rule 33-601.250(1)(d), F.A.C.

⁸ With regard to race, custody, sex offender status, and gang membership. Rule 33-601.250(4), F.A.C.

⁹ Section 944.803(4)(b), F.S.

¹⁰ Section 944.803(4)(c), F.S.

¹¹ "Nonviolent offense" means an offense, or attempted offense, that does not involve the intentional use or threat of physical force or violence against another individual.

¹² "Recidivism" means an inmate's rearrest, conviction, reincarceration, or probation revocation within 3 years after his or her release from incarceration.

¹³ "Tentative release date" means the anticipated date on which an inmate will be released from incarceration after the application of adjustments for any gain-time earned or credit for time served.

The independent incentivized prison program will focus on preparing inmates for reentry into the community by emphasizing education and vocational training, job readiness skills, substance use disorder treatment, mental health treatment, life skills, and post-release planning. The program must be established at a rural correctional institution that houses male inmates at a capacity of at least 1,500 inmates and is located in a county with a population of no fewer than 25,000 and no more than 30,000. The program will serve the entire prison.

Admission Criteria

To qualify for the program, an inmate must meet the following admission criteria:

- Be a citizen of the United States.
- Request to participate in the program using the process developed by rule.
- Be serving a term of imprisonment only for a nonviolent offense or offenses that are not a violation of the following:
 - The Florida Sexual Predators Act pursuant to s. 775.21, F.S.
 - Forcible felony pursuant to s. 776.08, F.S., except for specified crimes of burglary.¹⁴
 - Indecent, lewd, or lascivious touching of certain minors pursuant to s. 794.051(1), F.S.
 - Lewd or lascivious written solicitation of certain minors pursuant to s. 794.053, F.S.
 - Deriving support from the proceeds of prostitution pursuant to s. 796.05, F.S.
 - Aggravated animal cruelty pursuant to s. 828.12(2), F.S.
 - Fighting or baiting animals pursuant to s. 828.122(3), F.S.
 - Killing or aggravated abuse of horses or cattle pursuant to s. 828.125(1), F.S.
 - Sexual activities involving animals pursuant to s. 828.126, F.S.
 - Certain acts pertaining to obscene materials pursuant to s. 847.011, F.S.
 - Sale or distribution of harmful material to minors pursuant to s. 847.012, F.S.
 - An offense that would require sexual offender registration pursuant to s. 943.0435, F.S.
- Have never been convicted of a violation of any offense listed under the Florida Sexual Predators Act within s. 775.21, F.S., or would require sexual offender registration pursuant to s. 943.0435, F.S.
- Have a tentative release date greater than 2 years but less than 5 years at the time of consideration.
- Qualify under the DOC rules to participate in an established incentivized prison program.

Priority shall be given to an inmate who is a veteran and meets all of the requirements.

The bill provides language to remove an inmate from the independent incentivized prison program if the:

- Inmate is found guilty of a violation on any disciplinary report;
- Inmate requests removal in the manner determined by the DOC rule; or
- DOC determines that the inmate poses a threat to the safety, security, or orderly operation of the program, and such threat is documented.

¹⁴ Burglaries exempt are those of a dwelling when there is not another person in the dwelling at the time; burglary of a structure or conveyance when the offense intended to be committed is theft of a controlled substance, or for burglary of the third degree if the offender does not make an assault or battery and does not become armed and there is not another person in the structure or conveyance at the time the offender enters or remains. Sections 810.02(3)(b), (3)(f), and (4), F.S.

Program Requirements

The independent incentivized prison program is required to consult with CareerSource Florida to identify high-demand occupations where inmates are likely to be hired and prioritize training and educational opportunities to prepare for such occupations. Upon entry into the program, the program must evaluate every participants' needs related to education, vocational training, substance use disorder treatment, mental health treatment, and community supports.

The program will provide access to substance use treatment, remedial and basic education services, and other enrichment programs in the same manner as other incentivized prison programs. As an incentive, the program will provide increased visitation, increased or free phone calls, and is authorized to provide other incentives.

The program must also be housed in a facility that is fully equipped with air-conditioning but may begin before it is fully equipped. The program may enter into agreements with the Florida Virtual School and local state colleges and universities to provide academic education and vocational training. The DOC is required to employ transition specialists¹⁵ and provide specialized training for staff and correctional officers in the program.

Reports

The DOC is required to submit specified reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill provides that the DOC must submit its initial report to provide an overview of the program by October 1, 2025. The bill further requires the DOC to provide a report on the program by October 1, 2028, and annually thereafter.

The bill provides rule making authority for the DOC to implement and administer this program.

The bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁵ Transition specialists are responsible for developing an individualized reentry plan for each participant which addresses: obtaining identification needed for reentry: birth certificate, social security card, etc.; obtaining any necessary vocational or occupational license or credential; eligibility for state and federal benefits; accessing health services in the community: medical, dental, mental health services, and substance use disorder treatment; job placement and other employment services: resume writing, interviewing; basic physical needs: housing, food, clothing; life skills: anger management, money management, conflict resolution; identifying support systems; family, friends, community groups, religious groups, recovery groups; academic and vocation programs; transportation; and post-release support for 12 months.

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 a fiscal impact on the DOC due to a number of reasons including equipping the facility with air-conditioning, relocating inmates from the institution where the program will be implemented, hiring and training staff, and providing additional incentives.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 944.8032 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Burgess

23-01369A-24

20241048__

A bill to be entitled

An act relating to an independent incentivized prison program; creating s. 944.8032, F.S.; providing legislative intent; defining the terms "nonviolent offense," "recidivism," and "tentative release date"; requiring the Department of Corrections to establish an independent incentivized prison program for nonviolent offenders; providing location requirements for the program; specifying admission criteria and program requirements; providing reporting requirements by specified dates; requiring annual reports after a specified date; requiring the department to adopt rules; providing an effective date.

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

Section 1. Section 944.8032, Florida Statutes, is created to read:

944.8032 Independent incentivized prison program.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that the department expand the incentivized prison program to provide education, life skills, and discharge planning in a continued effort to reduce recidivism rates. The department is encouraged to identify areas of need and alternative pathways to reducing recidivism rates.

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

(a) "Nonviolent offense" means an offense, or attempted offense, that does not involve the intentional use or threat of physical force or violence against another individual.

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(b) "Recidivism" means an inmate's rearrest, conviction, reincarceration, or probation revocation within 3 years after his or her release from incarceration.

(c) "Tentative release date" means the anticipated date on which an inmate will be released from incarceration after the application of adjustment for any gain-time earned or credit for time served.

(3) PROGRAM ESTABLISHMENT.—The department shall establish an independent incentivized prison program under the Office of Programs and Re-Entry for nonviolent offenders who have demonstrated positive behavior while incarcerated. The program's focus must be on preparing inmates for reentry into the community by emphasizing education and vocational training, job readiness skills, substance use disorder treatment, mental health treatment, life skills, and postrelease planning.

(4) LOCATION.—The department shall establish the independent incentivized prison program at a rural correctional institution that houses male inmates at a capacity of at least 1,500 inmates and that is located in a county that has a population of no fewer than 25,000 and no more than 30,000. The program shall serve the entire institution.

(5) ADMISSION CRITERIA.—

(a) To qualify for participation in the independent incentivized prison program, an inmate must:

1. Be a citizen of the United States;

2. Request to participate in the program using the process developed by the department by rule;

3. Be serving a term of imprisonment only for a nonviolent offense or offenses that are not a violation of any offense

Page 2 of 7

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59 listed in s. 775.21; s. 776.08, except violations of s.
60 810.02(3)(b), (3)(f), or (4); s. 794.051(1); s. 794.053; s.
61 796.05; s. 828.12(2); s. 828.122(3); s. 828.125(1); s. 828.126;
62 s. 847.011; s. 847.012; or s. 943.0435;

63 4. Have never been convicted of a violation of any offense
64 listed in s. 775.21 or s. 943.0435;

65 5. Have a tentative release date that is greater than 24
66 months away and not more than 60 months away at the time of
67 consideration for the program; and

68 6. Qualify under department rules to participate in an
69 incentivized prison program.

70 (b) The department shall give priority consideration to an
71 inmate who is a veteran as defined in s. 1.01 and who meets the
72 requirements of paragraph (a).

73 (c) An inmate may be removed from the independent
74 incentivized prison program if:

75 1. The inmate is found guilty of a violation on any
76 disciplinary report;

77 2. The inmate requests removal in the manner prescribed by
78 the department by rule; or

79 3. The department determines that the inmate poses a threat
80 to the safety, security, or orderly operation of the independent
81 incentivized prison program, and such threat is documented by
82 the department.

83 (6) PROGRAM REQUIREMENTS.—

84 (a) The department shall consult with CareerSource Florida
85 to identify high-demand occupations in which inmates are likely
86 to gain successful employment upon release. The department shall
87 prioritize its training and educational opportunities to prepare

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88 program participants for such occupations.

89 (b) Upon entry into the program, the department shall
90 evaluate all of the participants' needs related to education and
91 vocational training, substance use disorder treatment, mental
92 health treatment, and community supports.

93 (c) The department shall provide program participants
94 access to substance abuse treatment, remedial and basic
95 educational services, and other enrichment programs in the same
96 manner as provided in other incentivized prison programs in
97 correctional institutions operated by the department.

98 (d) The department shall provide increased visitation and
99 increased phone calls or free phone calls to program
100 participants and may provide any other incentives to program
101 participants as deemed appropriate by the department.

102 (e) The department may enter into agreements with the
103 Florida Virtual School and local state colleges and universities
104 to provide access to academic education and vocational training.

105 (f) Services in the independent incentivized prison program
106 must be provided in a facility that is fully equipped with air-
107 conditioning. However, the program may begin before the facility
108 is fully equipped with air-conditioning.

109 (g) The department shall employ transition specialists who
110 are responsible for developing an individualized reentry plan
111 for each of the program participants. Each individualized
112 reentry plan must address:

113 1. Obtaining identification needed for reentry, such as
114 birth certificates, social security cards, and a state-issued
115 identification card or driver license;

116 2. Obtaining any necessary vocational or occupational

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117 license or credential;

118 3. Eligibility for state and federal benefits, including,
 119 but not limited to, social security benefits and veteran
 120 benefits;

121 4. Accessing health services in the community, including
 122 medical and dental treatment, mental health services, and
 123 substance use disorder treatment;

124 5. Job placement and other employment services, such as
 125 interviewing skills and resume writing;

126 6. Meeting basic physical needs, such as housing, food, and
 127 clothing;

128 7. Life skills, including, but not limited to, money
 129 management, anger management, and conflict resolution;

130 8. Identification of support systems, such as family,
 131 friends, community groups, religious activities, and recovery
 132 groups;

133 9. Academic and vocational programs;

134 10. Transportation; and

135 11. Postrelease support for 12 months.

136 (h) The department shall provide specialized training for
 137 staff and correctional officers in the independent incentivized
 138 prison program.

139 (7) REPORTS.—The department shall submit the following
 140 reports to the Governor, the President of the Senate, and the
 141 Speaker of the House of Representatives:

142 (a) By October 1, 2025, a report that provides an overview
 143 of the program as implemented and, at a minimum, provides:

144 1. The status of implementation of the independent
 145 incentivized prison program;

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146 2. Identified high-demand occupations and implemented
 147 vocational training and educational programs;

148 3. The implemented services and programming available to
 149 participants;

150 4. A description of incentives provided to participants;

151 5. A status update on equipping the facility with air-
 152 conditioning;

153 6. The number and description of participants' disciplinary
 154 reports and removals from the program, as applicable; and

155 7. Any information required under paragraph (b), as
 156 applicable.

157 (b) By October 1, 2028, and annually thereafter, a report
 158 that includes the following:

159 1. The number of participants in the independent
 160 incentivized prison program and a description of program
 161 participants, including, but not limited to, the types of crimes
 162 for which participants are incarcerated, the average length of
 163 time remaining on participants' sentences at the time of entry
 164 into the program, the number of participants subject to
 165 supervision upon release from incarceration, and the basic
 166 demographics of the participants;

167 2. A description of the educational and vocational courses
 168 offered through the program, the number of participants enrolled
 169 in each course, and the number of participants who have
 170 completed each course;

171 3. The number of job placements for participants upon
 172 release, by educational and vocational skill, as applicable;

173 4. Community involvement in the program;

174 5. Participant satisfaction;

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175 6. The number of participants who are removed from the
176 program for disciplinary issues, who requested removal from the
177 program, or who were removed from the program due to other
178 reasons, as applicable;

179 7. Recommendations of the department and of program
180 participants; and

181 8. The recidivism rate of participants in the independent
182 incentivized prison program, of participants in other
183 incentivized programs previously established by the department,
184 and of nonparticipating inmates.

185 (8) RULEMAKING.—The department shall adopt rules pursuant
186 to ss. 120.536(1) and 120.54 to implement and administer this
187 section.

188 Section 2. This act shall take effect July 1, 2024.



Incentivized Prisons

April 7, 2022

Office of
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OVERVIEW

Incentivized Prisons (IPs) serve as voluntary, progressive housing units that afford inmates the opportunity to complete their sentence within a population of like-minded individuals wanting to overcome their problematic past and be the change agents of their futures. These facilities provide a low-stress environment and encourage wellness and healthy lifestyles. The participants must demonstrate positive behavior while incarcerated.

Enhanced opportunities exist throughout each IP setting to provide inmates with resources and tools to build knowledge sets that will positively transform their lives and the lives of, and relationships with, their families and communities. Incentivized Prisons focus on quality of life and life skills improvements, education, recreation, leisure, wellness opportunities, and re-integration into the community.

LOCATIONS

Current male IPs include Everglades CI, Marion CI, Sumter CI, Tomoka CI, Madison CI, and Jefferson CI. Female inmates are afforded a similar program, with similar enhancements, in a dorm setting at Lowell Annex. There are 7,736 male and 257 female inmates currently participating in the IP program.

SERVICES AND EDUCATIONAL OPPORTUNITIES

The following services and educational opportunities are offered at IPs. Depending on the facility's volunteer base, other betterment and wellness classes are offered.

Jefferson CI – Literacy, GED, Substance Use Disorder (SUD) classes, Compass 100, and Electricity and Machining programs taught through Tallahassee Community College.

Madison CI - Literacy, GED, SUD classes, Compass 100, faith based dorm program, Professional Culinary Arts & Hospitality, PRIDE and a Veteran's Dorm.

Marion CI – Literacy, GED, Compass 100, SUD classes, special education classes, faith based dorm program, Electricity, Heavy Equipment Tech., HVAC, PRIDE and Masonry classes. Ashland University Associate and Bachelor's degree programs, FSU Art Therapy program and a canine obedience class.

Tomoka CI – Literacy, GED, Compass 100, faith based dorm program, Lifer's Program, Veteran's Dorm, canine program, PRIDE and the Stetson University Community Education Project.

Sumter CI – Literacy, GED, Compass 100, SUD classes, special education classes, PRIDE, Administrative Office Specialist, Energy Technician, Landscape & Turf Management classes and a Marine Service Technology class.



Incentivized Prisons

April 7, 2022

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Everglades CI - Literacy, GED, Compass 100, SUD classes, faith based dorm program, Certified Barbering, Florida International University Corrections Transition Program (CTP), Florida Atlantic University, Florida International University, Miami-Dade College, University of Miami Exchange for Change (Inside Out) and Miami-Dade College Associate of Arts Second Chance Pell Program, and canine obedience hosted by Magic City K9.

Lowell Annex – Literacy, GED, special education classes, Compass 100, SUD classes, PRIDE, Applied Information Technology, Masonry, Cosmetology, Professional Culinary Arts & Hospitality, Customer Service - FL HIRES and Employment Connections - FL HIRES and Career Source. Ashland University Associate and Bachelor's degree programs, Polk State College offers Essentials of Manufacturing and Logistics and Florida State University Art Therapy (SPED).

SELECTION CRITERIA

Inmates can request participation in the IP program during their progress review (at least annually but may request anytime) and/or by inmate written request. Specific database entries have been created to record interest in the program. During their yearly assessment the inmate is asked about IP interest and a YES/NO entry is made on the Motivation and Attitude Assessment screen to indicate their interest in participating. At any time during the year, if an inmate wishes to participate in the program and desires entry, they can submit a request to their Classification Officer indicating their desire.

Eligible inmates are ranked based on a weighted scoring matrix. Inmates are only deemed eligible and will appear on the waiting list if they have been without discipline for a specified amount of time and have requested placement.

Inmates are approved into the IP program by the State Classification Office (SCO) in Central Office. Inmates are selected based on a number of factors, including the inmate's disciplinary history, past transfers, length of incarceration, overall adjustment to the incarceration experience, gang affiliation or activity, and past program participation. The SCO is responsible for the review and selection of inmates that will maintain a balanced population with regard to race, custody, sex offender status, gang membership, and other factors that impact the security of the institution or compromise the structure of the program. Also, while the goal may be to move closer to home, not all inmates will be placed at a location that is close to their home. A process is in place to allow IP inmates to request IP to IP transfers in an effort to move closer to home or to seek a different program opportunity.

Inmates who opt out of the program or who earn disqualifying discipline while at an IP are returned to their last permanent institution after a recommendation by the Institutional Classification Team and approval by the SCO. Inmates may be diverted to another institution upon removal to meet the needs of the Department.



Incentivized Prisons

April 7, 2022

Office of
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PROGRAM RULES

Program placement and participation is governed by Florida Administrative Code, Chapter 33-601.250, Specialized Programs Institutions. Please find the rule attached.

PROPOSED EXPANSION AND WAITING LIST

The Department plans to expand the program to two additional male facilities by the end of Fiscal Year 2022-2023. There are approximately 4,600 eligible male inmates on the waiting list. This waiting list is necessary to facilitate the continued operation of current IPs as inmates move in and out of the program. The Department is committed to further expansion and those efforts will require continued and enhanced interest by the inmate population as well as identifying additional funding. Specific sites have not been formally selected.

OPERATIONAL IMPACT

Incentivized Prisons are designed to promote positive behavior and serve as motivation for inmates who continue to display positive behavior. By providing the inmate population with facilities that offer an environment where assaults, thefts, serious disciplinary reports, and the need for protection are markedly lower, FDC strives to enhance the outlook for inmates. By providing wellness, betterment opportunities, and other incentives, inmates are afforded the opportunity to build knowledge sets that will positively transform their lives and the lives of their families and communities.

In March 2017, prior to becoming an IP, Everglades CI recorded 96 disciplinary reports, 13 uses of force and 31 requests for protection. During February 2022, the most recent month that data is available, the same facility recorded 13 disciplinary reports, 0 use of force incidents and only 3 requests for protection. The significant drop in these three areas demonstrates the success of the program and indicates that the facility is meeting the goal of providing a safer, less stressful living environment.

As IPs continue to operate, more inmates will see the value of buying into the program and electing to avoid disciplinary infractions and disruptive behavior.

The most significant impact IPs have on the prison system as a whole is the positive behavior modification that occurs throughout FDC as inmates strive to meet eligibility requirements for the program. This ultimately creates a safer environment for staff and inmates.

The Florida Senate

APPEARANCE RECORD

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

SB1048

Bill Number or Topic

1/16/2024

Meeting Date

Senate Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Hon. Carlos J. Martinez for Florida Public Defender Assoc.

Phone

Address

103 N. Gadsden St.

Email

infoFPDACC@fpda.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 5, 2024

I respectfully request that **Senate Bill #1048**, relating to Independent Incentivized Prison Program, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

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 1092

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Criminal Offenses Against Law Enforcement Officers and Other Personnel

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1092 amends s. 776.051, F.S., to revise language to expand law enforcement officers' protection from citizens' use or threatened use of force during an arrest or detention. The bill prohibits a person from using or threatening to use force to resist a lawful or an unlawful arrest or detention, or resisting an officer acting in their legal performance of duties.

The bill further amends s. 776.051, F.S., to remove provisions stating that a law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known to be unlawful.

The bill amends s. 782.065, F.S., to provide a person must be sentenced to life imprisonment without the eligibility of release for certain offenses committed against specified officers who were acting in the performance their official duties.

The bill also amends s. 784.07(2) and s. 843.01(1), F.S., to specify that such officer is acting in the performance of his or her official duties.

The bill amends s. 784.07(1), F.S., to provide clarification as to where the duties and responsibilities are cited in statute.

The bill takes effect October 1, 2024.

II. Present Situation:

Section 943.10(1), F.S., defines “Law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.¹

Use of Force or Threatened Use of Force

Section 776.012, F.S., specifies that a person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.²

Additionally, a person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.³

Section 776.051, F.S., specifies that a person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.⁴

A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.⁵

The Florida Supreme Court ruled that s. 776.051, F.S., does not apply outside of arrest scenarios.⁶ In non-arrest cases, to convict for battery on a law enforcement officer, the State must prove the officer was acting lawfully.⁷

¹ Section 943.10(1), F.S.

² Section 776.012(1), F.S.

³ Section 776.012(2), F.S.

⁴ Section 776.051(1), F.S.

⁵ Section 776.051(2), F.S.

⁶ *Perry v. State*, 953 So.2d 459 (Fla. 2007).

⁷ *Tillman v. State*, 934 So.2d 1263 (Fla. 2006).

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

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

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

Assault or Battery on Law Enforcement

Under s. 784.07(2), F.S., a person convicted of an assault or battery, or the attempt to commit such offense upon a law enforcement officer, or other specified persons, must be sentenced as follows:

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

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

Under s. 782.065, F.S., a person convicted of a murder offense upon a law enforcement officer¹³ engaged in a legal duty, must be sentenced to life imprisonment without eligibility for release upon findings by the trier of fact that, beyond a reasonable doubt:

⁸ See ch. 74-383 L.O.F.

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

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

¹¹ *Id.*

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

¹³ Section 782.065(2), F.S., includes a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-

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

Resisting Arrest

Under s. 843.01, F.S., a person who knowingly and willfully resists, obstructs, or opposes specified officers or other persons legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a third degree felony.¹⁴

Officers specified in s. 843.01, F.S., include:

- Officers defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);
- Members of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- Parole and probation supervisors;
- County probation officers; or
- Personnel or representatives of the Department of Law Enforcement.

III. Effect of Proposed Changes:

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

The bill removes language requiring that an officer must *be engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith*.

The bill further amends s. 776.051, F.S., to remove provisions stating that a law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known to be unlawful.

The bill amends s. 782.065, F.S., to provide a person must be sentenced to life imprisonment without the eligibility of release upon findings by the trier of fact, that, beyond a reasonable doubt the defendant committed manslaughter, and the offense was committed against specified

time correctional probation officer, or auxiliary correctional probation officer, as those terms are defined in s. 943.10, F.S., engaged in the lawful performance of a legal duty.

¹⁴ Section 843.01, F.S.

officers¹⁵ *who were acting in the performance of their official duties as described in s. 943.10, F.S.*

The bill also amends s. 784.07(2), and s. 843.01(1), F.S., to specify that such officer is acting in the performance of his or her official duties, and to remove language requiring the officer be engaged in the lawful performance of his or her duties.

The bill amends s. 784.07(1), F.S., to provide clarification as to where the duties and responsibilities are cited in statute.

The bill takes effect October 1, 2024.

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.

¹⁵ Specified officers include law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, part-time correctional probation officers, or auxiliary correctional probation officers, as those terms are defined in s. 943.10, Section 782.065, F.S.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

CS by Criminal Justice on January 16, 2024:

The committee substitute:

- Removes the language relating to any felony resulting in the death of a law enforcement officer from s. 782.065, F.S., which requires defendant's convicted of murder against officers to be sentenced to life in prison.

B. Amendments:

None.



193800

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 52 - 53
and insert:
violation of s. 782.07(1); and

By Senator Martin

33-01423-24

20241092__

A bill to be entitled

An act relating to criminal offenses against law enforcement officers and other personnel; providing a short title; amending s. 776.051, F.S.; revising a prohibition on the use or threatened use of force to resist arrest or detention; amending s. 782.065, F.S.; providing for enhanced punishment for additional offenses when committed against specified officers; revising applicability; amending s. 784.07, F.S.; revising the definition of the term "law enforcement officer"; revising provisions concerning assault or battery upon specified officers and other personnel; amending s. 843.01, F.S.; revising a provision concerning resisting, obstructing, or opposing specified officers; providing an effective date.

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

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

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

776.051 Use or threatened use of force in resisting arrest or ~~detention making an arrest or in the execution of a legal duty~~; prohibition.—

~~(1)~~ A person is not justified in the use or threatened use of force to resist a lawful or an unlawful ~~an~~ arrest or detention by a law enforcement officer, or to resist a law enforcement officer who is acting in the performance of his or

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her official duties as described in s. 943.10(1), if who is
~~engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.~~

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

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

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

(1) The defendant committed murder in the first degree in violation of s. 782.04(1) and a death sentence was not imposed; murder in the second or third degree in violation of s. 782.04(2), (3), or (4); attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2); ~~or attempted~~ attempted felony murder in violation of s. 782.051; manslaughter in violation of s. 782.07(1); or a felony resulting in the death of a law enforcement officer as defined in s. 943.10(1); and

(2) The victim of any offense described in subsection (1) was a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional

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probation officer, or auxiliary correctional probation officer, as those terms are defined in s. 943.10, who was acting in the performance of his or her official duties as described in s. 943.10 ~~engaged in the lawful performance of a legal duty.~~

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

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

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

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

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law

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enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, hospital personnel, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer who is acting in the performance of his or her official duties ~~is engaged in the lawful performance of his or her duties~~, the offense for which the person is charged shall be reclassified as follows:

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

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to

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117 a minimum term of imprisonment of 6 months.

118 (c) In the case of aggravated assault, from a felony of the
119 third degree to a felony of the second degree. Notwithstanding
120 any other provision of law, any person convicted of aggravated
121 assault upon a law enforcement officer shall be sentenced to a
122 minimum term of imprisonment of 3 years.

123 (d) In the case of aggravated battery, from a felony of the
124 second degree to a felony of the first degree. Notwithstanding
125 any other provision of law, any person convicted of aggravated
126 battery of a law enforcement officer shall be sentenced to a
127 minimum term of imprisonment of 5 years.

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

130 843.01 Resisting, obstructing, or opposing by offering or
131 doing violence to legally authorized person, police canine, or
132 police horse.—

133 (1) Whoever knowingly and willfully resists, obstructs, or
134 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
135 (7), (8), or (9); member of the Florida Commission on Offender
136 Review or any administrative aide or supervisor employed by the
137 commission; parole and probation supervisor; county probation
138 officer; personnel or representative of the Department of Law
139 Enforcement; or other person legally authorized to execute
140 process in the execution of legal process or acting in the
141 performance of his or her official duties as described in s.
142 943.10 in the lawful execution of any legal duty, by offering or
143 doing violence to the person of such officer or legally
144 authorized person, commits a felony of the third degree,
145 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

33-01423-24 20241092__

146 Section 6. This act shall take effect October 1, 2024.

Page 6 of 6

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

The Florida Senate
APPEARANCE RECORD

Meeting Date _____

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

1092
Bill Number or Topic

Committee _____

Amendment Barcode (if applicable) _____

Name

Amira Fox

Phone _____

Address

State Attorney - 20th
Street

Email _____

City _____

State _____

Zip _____

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

APPEARANCE RECORD

Meeting Date

1/16/24

Bill Number or Topic

1092

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

Committee

CRIMINAL JUSTICE

Amendment Barcode (if applicable)

Name

WILLIAM B. SMITH

Phone

305-333-4344

Address

300 E BREVARD ST

Email

WBSMITH@FLPBA.ORG

Street

City

TALL

State

FL

Zip

32301

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

FL PBA

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

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

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S-001 (08/10/2021)

1/16/2024

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1092

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sam Wagoner**

Phone **8502229684**

Address **301 S. Bronough ST, STE 300**

Email **swagoner@flcities.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Florida League of Cities

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

1.16.24

Meeting Date

Criminal Justice

Committee

1092

Bill Number or Topic

Amendment Barcode (if applicable)

Name Luke Newman

Phone 850.224.4444

Address 308 McDowell Street
Street

Email luke@lukenewmanlaw.com

Tallahassee FL
City State

32303
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37 **Case No.:**
Caption: Senate Committee on Criminal Justice

Type:
Judge:

Started: 1/16/2024 1:33:56 PM
Ends: 1/16/2024 3:03:14 PM **Length:** 01:29:19

1:33:55 PM Meeting called to order, roll call
1:34:19 PM Quorum is present
1:34:26 PM Chair Martin makes opening remarks
1:34:29 PM Tab 2, SB 678- Forensic Genetic Genealogy Grants by Senator Bradley
1:34:36 PM Senator Bradley explains the bill
1:35:13 PM Amendment 812232
1:35:14 PM Senator Bradley explains the amendment
1:36:58 PM Questions:
1:36:59 PM Senator Ingoglia
1:37:33 PM Senator Bradley
1:38:54 PM Senator Ingoglia
1:39:46 PM Senator Bradley
1:40:24 PM Senator Ingoglia
1:40:55 PM Senator Bradley
1:41:20 PM Public testimony:
1:41:35 PM Allison Nunes, DNA Labs International
1:45:43 PM Questions:
1:45:44 PM Senator Pizzo
1:46:21 PM Allison Nunes
1:46:45 PM Senator Pizzo
1:46:53 PM Allison Nunes
1:47:23 PM Senator Pizzo
1:47:41 PM Allison Nunes
1:48:08 PM Senator Pizzo
1:48:18 PM Allison Nunes
1:49:06 PM Senator Ingoglia
1:49:25 PM Allison Nunes
1:49:29 PM Senator Ingoglia
1:50:20 PM Allison Nunes
1:50:43 PM Senator Ingoglia
1:51:01 PM Allison Nunes
1:51:31 PM Senator Ingoglia
1:52:05 PM Allison Nunes
1:52:51 PM Senator Bradley waives close
1:52:57 PM Chair Martin reports the amendment
1:53:20 PM Senator Bradley closes on the bill
1:55:00 PM Roll call on SB 678
1:55:16 PM Chair Martin reports the bill
1:55:23 PM Tab 6, SB 1048- Independent Incentivized Prison Program by Senator Burgess
1:55:33 PM Senator Burgess explains the bill
1:56:44 PM Questions:
1:56:47 PM Senator Powell
1:57:05 PM Senator Burgess
1:57:10 PM Senator Powell
1:57:21 PM Senator Burgess
1:57:25 PM Senator Powell
1:57:27 PM Senator Burgess
1:57:58 PM Senator Powell
1:58:09 PM Senator Burgess
1:58:21 PM Sentaor Pizzo
1:59:03 PM Senator Burgess
1:59:21 PM Chair Martin reads appearance cards waiving

1:59:35 PM Senator Burgess waives close
 1:59:39 PM Roll call on SB 1048
 1:59:56 PM Chair Martin reports the bill
 2:00:05 PM Tab 1, SB 524- DNA Samples from Inmates by Senator Ingoglia
 2:00:17 PM Senator Ingoglia explains the bill
 2:01:12 PM Questions:
 2:01:14 PM Senator Bradley
 2:01:26 PM Senator Ingoglia
 2:02:06 PM Chair Martin hands the chair over to Vice Chair Bradley
 2:02:21 PM Senator Powell
 2:02:59 PM Senator Ingoglia
 2:03:15 PM Chair Bradley reads appearance cards waiving
 2:03:40 PM Senator Ingoglia waives close
 2:03:47 PM Roll call on SB 524
 2:04:00 PM Chair Bradley reports the bill
 2:04:12 PM Tab 5, SB 768- Duty to Report Certain Deaths by Senator Stewart
 2:04:20 PM Senator Stewart explains the bill
 2:06:21 PM Questions:
 2:06:22 PM Senator Pizzo
 2:06:47 PM Captain Antorrio Wright, Orange County Sheriff's Office
 2:07:46 PM Senator Pizzo
 2:07:58 PM Captain Antorrio Wright
 2:08:15 PM Senator Pizzo
 2:08:32 PM Captain Antorrio Wright
 2:09:08 PM Chair Bradley reads appearance cards waiving
 2:09:14 PM Senator Stewart closes on the bill
 2:09:21 PM Roll call on SB 768
 2:09:35 PM Chair Bradley reports the bill
 2:09:47 PM Tab 4, SB 732- Theft from Nonprofit Organizations by Senator Powell
 2:09:54 PM Senator Powell explains the bill
 2:11:05 PM Questions:
 2:11:06 PM Senator Pizzo
 2:11:20 PM Senator Powell
 2:11:39 PM Senator Pizzo
 2:12:25 PM Chair Bradley reads appearance cards waiving
 2:12:35 PM Senator Powell waives close
 2:12:40 PM Roll call on SB 732
 2:12:56 PM Chair Bradley reports the bill
 2:13:06 PM Meeting recessed
 2:13:11 PM Recording Paused
 2:21:13 PM Recording Resumed
 2:21:15 PM Meeting called back to order
 2:21:19 PM Tab 3, SB 700- Controlled Substances by Senator Gruters
 2:21:24 PM Senator Gruters explains the bill
 2:22:14 PM Questions:
 2:22:16 PM Vice Chair Bradley turns the chair back to Chair Martin
 2:22:37 PM Public testimony:
 2:22:52 PM Richard Williams, Florida Veterinary Medical Association
 2:24:30 PM Senator Gruters waives close
 2:24:34 PM Roll call on SB 700
 2:24:51 PM Chair Martin reports the bill
 2:25:01 PM Chair Martin turns the chair over to Vice Chair Bradley
 2:25:09 PM Tab 7, SB 1092- Criminal Offenses Against Law Enforcement Officers and Other Personnel by Senator Martin
 2:25:15 PM Senator Martin explains the bill
 2:26:02 PM Questions:
 2:26:04 PM Senator Pizzo
 2:26:28 PM Senator Martin
 2:27:41 PM Senator Pizzo
 2:28:18 PM Senator Martin
 2:29:05 PM Senator Polsky
 2:29:22 PM Senator Martin

2:30:15 PM	Senator Polsky
2:30:27 PM	Senator Martin
2:30:32 PM	Senator Polsky
2:30:47 PM	Senator Martin
2:31:48 PM	Senator Polsky
2:32:13 PM	Senator Martin
2:32:25 PM	Senator Polsky
2:32:50 PM	Senator Martin
2:34:20 PM	Senator Polsky
2:35:10 PM	Senator Martin
2:35:49 PM	Senator Polsky
2:36:06 PM	Senator Martin
2:36:26 PM	Senator Polsky
2:36:48 PM	Senator Martin
2:38:17 PM	Senator Powell
2:38:55 PM	Senator Martin
2:39:39 PM	Senator Powell
2:40:03 PM	Senator Martin
2:40:31 PM	Senator Powell
2:40:50 PM	Senator Martin
2:41:01 PM	Amendment 193800
2:41:08 PM	Senator Martin explains the amendment
2:41:46 PM	Questions:
2:41:47 PM	Senator Polsky
2:42:06 PM	Senator Martin
2:42:28 PM	Senator Polsky
2:42:53 PM	Senator Martin
2:43:08 PM	Senator Polsky
2:43:53 PM	Senator Martin
2:45:08 PM	Senator Pizzo
2:45:56 PM	Senator Martin
2:46:00 PM	Senator Pizzo
2:46:08 PM	Senator Martin
2:46:32 PM	Senator Pizzo
2:46:53 PM	Senator Martin
2:46:59 PM	Senator Pizzo
2:47:00 PM	Senator Martin
2:47:05 PM	Senator Pizzo
2:47:47 PM	Senator Martin
2:47:50 PM	Senator Pizzo
2:47:58 PM	Senator Martin
2:49:06 PM	Senator Martin waives close on the amendment
2:49:16 PM	Chair Bradley reports the amendment
2:49:23 PM	Public testimony:
2:49:32 PM	Luke Newman, FL Association of Criminal Defense Lawyers
2:50:53 PM	Chair Bradley reads appearance cards waiving
2:51:08 PM	Amira Fox
2:53:14 PM	Questions:
2:53:16 PM	Senator Polsky
2:54:11 PM	Amira Fox
2:55:01 PM	Senator Pizzo
2:55:28 PM	Amira Fox
2:55:58 PM	Senator Pizzo
2:56:42 PM	Amira Fox
2:57:08 PM	Senator Martin
2:57:27 PM	Amira Fox
2:57:47 PM	Senator Pizzo
2:57:53 PM	Amira Fox
2:58:04 PM	Senator Pizzo
2:58:18 PM	Amira Fox
2:58:24 PM	Senator Pizzo
2:58:36 PM	Amira Fox

2:58:46 PM	Debate:
2:58:47 PM	Senator Pizzo
3:00:46 PM	Senator Martin closes on the bill
3:02:13 PM	Roll call on SB 1092
3:02:31 PM	Chair Bradley reports the bill
3:02:41 PM	Senator Perry moves to record a missed vote
3:02:48 PM	Chair Martin moves to record a missed vote
3:03:05 PM	Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR CLAY YARBOROUGH

4th District

COMMITTEES:

Judiciary, *Chair*
Appropriations Committee on Criminal
and Civil Justice
Appropriations Committee on Transportation,
Tourism, and Economic Development
Criminal Justice
Education Postsecondary
Education Pre-K -12
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight

January 16, 2024

Chair Jonathan Martin
315 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Martin,

I would like to request an excusal from today's meeting of the Committee on Criminal Justice.

Thank you for your consideration of this request.

Regards,

A handwritten signature in blue ink that reads "Clay Yarborough". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clay Yarborough

REPLY TO:

- ☐ 1615 Huffingham Road, Suite 1, Jacksonville, Florida 32216 (904) 723-2034
- ☐ 308 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore