

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 341 Sexual Offenses Definitions
SPONSOR(S): Criminal Justice & Public Safety Subcommittee, Slosberg-King
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice & Public Safety Subcommittee	18 Y, 0 N, As CS	Frost	Hall
2) Justice Appropriations Subcommittee	14 Y, 0 N	Smith	Keith
3) Judiciary Committee			

SUMMARY ANALYSIS

Currently, the terms “vagina” and “vaginal” are not defined under Florida law, but are used to describe prohibited sexual conduct in various sections of law. Without a definition to specify what the Legislature intends to be included in the meaning of the terms, determining a meaning is left to the courts. Currently, the Florida District Courts of Appeals (DCA) have conflicting opinions on the definition of the term “vagina.” Specifically, the Second and Fourth DCAs have held that the term “vagina” has a specific anatomical meaning, and that it is internal, while the Fifth DCA has held the term “vagina” includes the entire vulva area not just the internal passageway. As such, the lack of a statutory definition for the term may lead to disparate outcomes for the same conduct, based on the circuit in which the offense occurs.

The terms “vagina” and “vaginal” are currently used in the following sections of law without being specifically defined:

- Section 39.01, F.S., which uses the term in its definition of “sexual abuse of a child” for purposes of finding a child to be dependent;
- Section 365.161, F.S., which prohibits certain obscene telephone communications;
- Section 775.0847, F.S., relating to the possession or promotion of certain images of child pornography;
- Section 794.011, F.S., relating to sexual battery;
- Section 827.071, F.S., relating to sexual performance by a child;
- Section 847.001, F.S., which provides definitions relating to obscenity; and
- Section 872.06, F.S., relating to abuse of a dead human body.

CS/HB 341 amends each of the above-listed statutes relating to prohibited sexual conduct to replace the terms “vagina” or “vaginal” with the terms “female genital” or “female genitals,” and to provide that “female genitals” include the:

- Labia minora;
- Labia majora;
- Vulva;
- Hymen; and
- Vagina.

The Criminal Justice Impact Conference met on February 7, 2022, and determined the bill would have a positive indeterminate impact on the prison population by replacing the terms “vagina” and “vaginal” with the newly defined term “female genitals,” which may capture more conduct than that which is included under current law.

The bill provides an effective date of October 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Under Florida law, the terms “vagina” and “vaginal” are used within the descriptions and definitions of numerous prohibited sexual activities, however, the term is not statutorily defined. Currently, several of Florida’s District Courts of Appeal (DCA) have released conflicting opinions on the meaning of the term “vagina.” The Second and Fourth DCAs have held that the term “vagina” has a specific anatomical meaning, and that it is internal,¹ while the Fifth DCA has held that the term “vagina” includes the entire vulva area and not just the internal passageway.²

Sexual Battery

Section 794.011, F.S., criminalizes sexual battery offenses. Sexual battery means oral, anal, or *vaginal* penetration by, or union with, the sexual organ of another or the anal or *vaginal* penetration of another by any other object.³ The offense level for sexual battery differs based on the offender’s age, the victim’s age, and the presence of other specified circumstances, as follows:

Subsection	Offender’s Age	Victim’s Age	Special Circumstances Present	Felony Level
(2)(a)	≥ 18 yrs.	< 12 yrs.	Injures the victim’s sexual organs	Capital
(2)(b)	< 18 yrs.	< 12 yrs.	Injures the victim’s sexual organs	Life
(3)	No age requirement	≥ 12 yrs.	Uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury	Life
(4)(a)	≥ 18 yrs.	≥ 12 yrs., but < 18 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S.	First
(4)(b)	≥ 18 yrs.	≥ 18 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S.	First
(4)(c)	< 18 yrs.	≥ 12 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S.	First
(4)(d)	No age requirement	≥ 12 yrs.	Any circumstance listed in s. 794.011(4)(e), F.S., and offender was previously convicted of an enumerated sexually motivated offense against a minor	First
(5)(a)	≥ 18 yrs.	≥ 12 yrs., but < 18 yrs.	No physical force or violence likely to cause serious personal injury	First
(5)(b)	≥ 18 yrs.	≥ 18 yrs.	No physical force or violence likely to cause serious personal injury	Second
(5)(c)	< 18 yrs.	≥ 12 yrs.	No physical force or violence likely to cause serious personal injury	Second
(5)(d)	No age requirement	≥ 12 yrs.	No physical force or violence likely to cause serious personal injury but offender was previously convicted of an enumerated sexually motivated offense against a minor	First

Section 794.011(4)(e), F.S., lists specified aggravating factors, including:

- The victim is physically helpless to resist;

¹ See *Richards v. State*, 738 So.2d 415, 419 (Fla. 2d DCA 1999) (holding that the vagina should be defined as “the canal between the vulva and the uterus.”); *Firekey v. State*, 557 So.2d 582 (Fla. 4th DCA 1989) (holding that penetration of the labia does not constitute sexual battery).

² See *Palumbo v. State*, 52 So.3d 834 (Fla. 5th DCA 2011).

³ S. 794.011(1)(h), F.S.

- The offender coerces the victim to submit by threatening the use of force or violence likely to cause serious personal injury to the victim, and the victim reasonably believes that the offender has the present ability to execute the threat;
- The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future;
- The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim;
- The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of the fact;
- The victim is physically incapacitated;
- The offender is a law enforcement officer, correctional officer, or correctional probation officer,⁴ or is an elected official exempt from such certification,⁵ or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of the government.

Obscenity, Sexual Performance by a Child, and Child Pornography

The following definitions apply to offenses related to obscenity, sexual performance by a child, and child pornography:

- “Sexual battery” means oral, anal, or *vaginal* penetration by, or union with, the sexual organ of another or the anal or *vaginal* penetration of another by any other object; however, “sexual battery” does not include an act done for a bona fide medical purpose.⁶
- “Sexual bestiality” means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or *vagina* of the other.⁷
- “Sexual conduct” means actual or simulated⁸ sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or if such person is female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstances constitute “sexual conduct.”⁹

Because the definition of the term “sexual conduct” includes the terms “sexual battery” and “sexual bestiality” within chapters 847, 827, and 775, F.S., and the terms “sexual battery” and “sexual bestiality” include the terms “vagina” and “vaginal,” the prohibited conduct related to obscenity, sexual performance by a child, and child pornography may also be subject to the same uncertainty regarding the meaning of the terms “vagina” and “vaginal.”

Obscenity

Chapter 847, F.S., governs offenses relating to obscenity, and includes in part, laws relating to: the prohibition of certain acts in connection with obscene or lewd materials; the regulation of materials harmful to minors and the sale or distribution of materials harmful to minors; and computer pornography, prohibited computer usage, and traveling to meet minors.

Under ch. 847, F.S., the term “obscene,” means the status of material which:

⁴ As defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), F.S., and who is certified under s. 943.1395, F.S.

⁵ Under s. 943.253, F.S.

⁶ Ss. 775.0847(1)(d), 827.071(1)(f), and 847.001(14), F.S.

⁷ Ss. 775.0847(1)(e), 827.071(1)(g), and 847.001(15), F.S.

⁸ For purposes of chapters 847 and 827, F.S., the term “simulated” means the explicit depiction of conduct described in subsection (16) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

⁹ Ss. 775.0847(1)(f), 827.071(1)(h), and 847.001(16), F.S.

- The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interests;
- Depicts or describes, in a patently offensive way, *sexual conduct*; and
- Taken as a whole, lacks serious literary, artistic, political, or scientific value.¹⁰

Sexual Performance by a Child

Section 827.071(4), F.S., makes it a second degree felony¹¹ for a person to possess with the intent to promote¹² any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any *sexual conduct* by a child.¹³ Possession of three or more copies of such photographs, etc., is prima facie evidence of a person's intent to promote.¹⁴

Section 827.071(5), F.S., makes it a third degree felony¹⁵ for any person to knowingly possess, control, or intentionally view¹⁶ a photograph, motion picture, or other image that, in whole or in part, he or she knows includes any *sexual conduct* by a child.¹⁷

Child Pornography

Section 775.0847, F.S., reclassifies violations relating to: sexual performance by a child;¹⁸ computer pornography, prohibited computer usage, and traveling to meet a minor;¹⁹ transmission of pornography by electronic device or equipment;²⁰ and transmission of material harmful to minors to a minor by electronic device or equipment²¹ to the next highest degree felony offense if:

- The offender possesses 10 or more images of any form of child pornography²² regardless of content; and
- The content of at least one image contains one or more of the following:
 - A child who is younger than the age of 5.
 - Sadoomasochistic abuse²³ involving a child.
 - *Sexual battery* involving a child.
 - *Sexual bestiality* involving a child.
 - Any movie involving a child, regardless of length and whether the movie contains sound.²⁴

Prohibition of Certain Obscene Phone Calls

A person commits a second degree misdemeanor²⁵ if he or she makes, or knowingly permits the use of a telephone or telephone facility under his or her control to make any obscene or indecent

¹⁰ S. 847.001(10), F.S. A mother's breastfeeding of her baby is not under any circumstance "obscene."

¹¹ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Ss. 775.082 and 775.083, F.S.

¹² "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same. S. 827.071(1)(d), F.S.

¹³ "Simulated" means the explicit depiction of sexual conduct which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks. S. 827.017(1)(j), F.S.

¹⁴ S. 827.071(4), F.S.

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

¹⁶ Section 827.071(1)(b), F.S., defines "intentionally view" as to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation was viewed over any period of time.

¹⁷ The statute also specifies that the possession, control, or intentional viewing of each such photograph, or other image, is a separate offense. If such photograph or other image includes sexual conduct by more than one child, then each child in each photograph or image that is knowingly possessed, controlled, or intentionally viewed is a separate offense.

¹⁸ S. 827.071, F.S.

¹⁹ S. 847.0135, F.S.

²⁰ S. 847.0137, F.S.

²¹ S. 847.0138, F.S.

²² S. 775.0847(1)(b), F.S., defines "child pornography" to mean any image depicting a minor engaged in sexual conduct.

²³ S. 775.0847(1)(c), F.S., defines "sadoomasochistic abuse" to mean flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction, or satisfaction brought about as a result of sadistic violence, from inflicting harm on another or receiving such harm oneself.

²⁴ S. 775.0847(2), F.S.

²⁵ A second degree misdemeanor is punishable by up to 60 days in county jail and a fine of up to \$500. Ss. 775.082 and 775.083, F.S.

communication by means of a telephone, in person or through an electronic recording device, in exchange for payment.²⁶

For purposes of s. 365.161, F.S., “obscene” means the status of communication which:

- The average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interests;
- Describes, in a patently offensive way, deviate sexual intercourse, sadomasochistic abuse, sexual battery, bestiality, sexual conduct, or sexual excitement; and
- Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Additionally, s. 365.161, F.S., provides, in part, the following definitions:

- “Sexual battery,” means oral, anal, or *vaginal* penetration by, or union with, the sexual organ of the one and the mouth, anus, or *vagina* of the other.²⁷
- “Sexual bestiality,” means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or *vagina* of the other.²⁸

Abuse of a Dead Human Body

A person who mutilates, commits sexual abuse upon, or otherwise grossly abuses a dead human body commits a second degree felony.²⁹

For purposes of abuse of a dead human body, “sexual abuse” means:

- Anal or *vaginal* penetration of a dead human body by the sexual organ of a person or by any other object;
- Contact or union of the penis, *vagina*, or anus of a person with the mouth, penis, *vagina*, or anus of a dead human body; or
- Contact or union of a person’s mouth with the penis, *vagina*, or anus of a dead human body.³⁰

Sexual Abuse of a Child in Dependency Proceedings

Chapter 39, F.S., governs proceedings relating to children who are abused, abandoned, or neglected. The goal is for the dependency court and all parties involved in the child’s case to ensure the child remains safe.³¹ The Department of Children and Families (DCF) operates the Florida central abuse hotline (hotline), which accepts reports of known or suspected child abuse,³² abandonment,³³ or neglect.^{34, 35} A person who knows or suspects that a child has been abused, abandoned, or neglected

²⁶ S. 365.161(2), F.S.

²⁷ S. 365.161(1)(d), F.S.

²⁸ S. 365.161(1)(e), F.S.

²⁹ An act done for a bona fide medical purpose or any other lawful purpose is not a criminal offense. S. 872.06(2), F.S.

³⁰ S. 872.06(1), F.S.

³¹ S. 39.001(1)(a), F.S.

³² S. 39.01(2), F.S., defines “abuse” as any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child also includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

³³ S. 39.01(1), F.S., defines “abandonment,” in part, to mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. It further defines, “establish or maintain a substantial and positive relationship” to include, but not be limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. The definition specifically provides that marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child.

³⁴ S. 39.01(50), F.S., defines “neglect” to mean when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. Circumstances are not to be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected. Further, a parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious

or who knows, or has reasonable cause to suspect that a child is the victim of sexual abuse or juvenile sexual abuse must make a report to the hotline.³⁶

A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse, abandonment, or neglect.³⁷ If, after conducting an investigation in response to receiving a call to the hotline, the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. The proceeding, known as a shelter hearing, results in a court determining if probable cause exists to keep a child in shelter³⁸ status pending further investigation of the circumstances leading to the detention of a child.³⁹ When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be found to be dependent.⁴⁰

For purposes of finding a child to be dependent under ch. 39, F.S., “sexual abuse of a child” means one or more of the following acts:

- Any penetration, however slight, of the *vagina* or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- Any intrusion by one person into the genitals or anal opening of another person including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.
- The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child, or any act intended for a valid medical purpose.
- The intentional masturbation of the perpetrator’s genitals in the presence of a child.
- The intentional exposure of the perpetrator’s genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.
- The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in prostitution, or the act of allowing, encouraging, or forcing a child to solicit for or engage in prostitution, engage in sexual performance, or participate in the trade of human trafficking.⁴¹

Effect of Proposed Changes

CS/HB 341 amends the following statutes relating to prohibited sexual conduct, to replace the terms “vagina” or “vaginal” with “female genital” or “female genitals”:

- Section 39.01(77), F.S., which provides a definition of “sexual abuse of a child” for purposes of finding a child to be dependent.

organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian, unless a court orders the following services to be provided, when the health of the child so requires: medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization. The definition further provides that neglect of a child includes acts or omissions.

³⁵ S. 39.101(1)(a), F.S.

³⁶ S. 39.201(1)(a)1., F.S.

³⁷ S. 39.201(4), F.S.

³⁸ S. 39.01(78), F.S., defines “shelter” to mean a placement with a relative or a nonrelative, or in a licensed home or facility, for the temporary care of a child who is alleged to be or who has been found to be dependent, pending court disposition before or after adjudication.

³⁹ S. 39.01(79), F.S.

⁴⁰ See s. 39.01(14), F.S., for the definition of “child who is found to be dependent”.

⁴¹ S. 39.01(77), F.S.

- Section 365.161(1), F.S., which provides definitions relating to certain prohibited obscene telephone communications.
- Section 775.0847(1), F.S., which provides definitions relating to the possession or promotion of certain images of child pornography.
- Section 794.011(1), F.S., which provides definitions relating to sexual battery.
- Section 827.071, F.S., which provides definitions relating to sexual performance by a child.
- Section 847.001, F.S., which provides definitions relating to obscenity.
- Section 872.06(1), F.S., which provides definitions relating to abuse of a dead human body.

Under the bill, the term “female genitals” includes the:

- Labia minora;
- Labia majora;
- Vulva;
- Hymen; and
- Vagina.

The bill removes any ambiguity in the meaning of the terms “vagina” or “vaginal” and resolves the conflict within the Florida DCAs regarding the definition of the term “vagina,” which may lead to more equivalent outcomes amongst the circuits based on the same conduct.

The bill also amends ss. 395.0197, 415.102, and 847.0141, F.S., to make conforming cross-reference changes.

The bill provides an effective date of October 1, 2022.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 39.01, F.S., relating to definitions.
- Section 2:** Amends s. 365.161, F.S., relating to prohibition of certain obscene telephone communications; penalty.
- Section 3:** Amends s. 775.0847, F.S., relating to possession or promotion of certain images of child pornography; reclassification.
- Section 4:** Amends s. 794.011, F.S., relating to sexual battery.
- Section 5:** Amends s. 395.0197, F.S., relating to internal risk management.
- Section 6:** Amends s. 415.102, F.S., relating to definitions of terms used in ss. 415.101-415.113, F.S.
- Section 7:** Amends s. 827.071, F.S., relating to sexual performance by a child; penalties.
- Section 8:** Amends s. 847.001, F.S., relating to definitions.
- Section 9:** Amends s. 847.0141, F.S., relating to sexting; prohibited acts; penalties.
- Section 10:** Amends s. 872.06, F.S., relating to abuse of a dead human body; penalty
- Section 11:** Provides an effective date of October 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

2. Expenditures:

The Criminal Justice Impact Conference met on February 7, 2022 and determined the bill may have a positive indeterminate impact on the prison population by replacing the terms “vagina” or “vaginal”

with the newly defined term “female genitals” in a number of statutes, which may capture more conduct than that which is included under current law.⁴²

Per the Department of Corrections, there were 700 new commitments to prison under the statutes amended in the bill in fiscal year 2018-19. In fiscal year 2019-20, there were 602 new commitments, and in fiscal year 2020-21, there were 436 new commitments. However, it is unknown how many additional offenses will be captured under the bill.⁴³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have an insignificant impact on jail beds by replacing the term “vagina” or “vaginal” with the newly defined term “female genitals” for the crime of making certain obscene phone calls.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not replace the use of the terms “vagina” or “vaginal” with the term “female genitals” in multiple other sections of law relating to prohibited sexual conduct.⁴⁴

⁴² Criminal Justice Impact Conference, *SB 692 – Sexual Offenses Definitions (Similar to HB 341)*, February 7, 2022, <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/SB692.pdf>, Last accessed February 10, 2022.

⁴³ *Id.*

⁴⁴ See s. 491.0112, F.S., relating to sexual misconduct by a psychotherapist; s. 794.05, F.S., relating to unlawful sexual activity with certain minors; s. 796.07, F.S., prohibiting prostitution and related acts; s. 800.04, F.S., relating to certain lewd or lascivious offenses involving persons less than 16 years of age; s. 1025, F.S., relating to certain lewd or lascivious offenses involving an elderly or disabled person; s. 944.35, F.S., relating to authorized use of force and malicious battery and sexual misconduct prohibited; and s. 951.27, F.S., relating to blood tests of inmates.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 8, 2022, the Criminal Justice & Public Safety Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment replaced the term “genitals” with the term “female genitals,” throughout the bill to avoid any conflict with the use of the term “genitals” under current law when intended to refer to both male and female genitalia.

This analysis is drafted to the committee substitute as passed by the Criminal Justice & Public Safety Subcommittee.