



840234

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
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The Committee on Criminal Justice (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (4) of section 907.041,  
Florida Statutes, is redesignated as subsection (5), a new  
subsection (4) is added to that section, and paragraph (a) of  
subsection (3) of that section is amended, to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—



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11 (a) It is the intent of the Legislature to create a  
12 presumption in favor of release on nonmonetary conditions for  
13 any person who is granted pretrial release unless such person is  
14 charged with a dangerous crime as defined in subsection (5) ~~(4)~~.  
15 Such person shall be released on monetary conditions if it is  
16 determined that such monetary conditions are necessary to assure  
17 the presence of the person at trial or at other proceedings, to  
18 protect the community from risk of physical harm to persons, to  
19 assure the presence of the accused at trial, or to assure the  
20 integrity of the judicial process.

21 (4) SPECIAL CONDITIONS FOR CERTAIN OFFENSES INVOLVING  
22 SCHOOLS OR STUDENTS.—

23 (a) As used in this subsection, the term "school" means the  
24 grounds or facility of any early learning, prekindergarten,  
25 kindergarten, elementary school, middle school, junior high  
26 school, secondary school, career center, or postsecondary  
27 school, whether public or private.

28 (b) When a person is charged with a crime under s. 790.115,  
29 s. 790.161, s. 790.1615, s. 790.162, s. 790.163, s. 790.164, s.  
30 790.165, s. 790.166, s. 810.095, or s. 836.10, alleged to have  
31 been committed at or against a school or against a student while  
32 he or she is at school, the court must consider whether  
33 conditions of electronic monitoring and a prohibition from being  
34 within 1,000 feet of any school are appropriate to protect the  
35 community from risk of physical harm to persons.

36 Section 2. Section 948.301, Florida Statutes, is created to  
37 read:

38 948.301 Electronic monitoring as a condition of probation  
39 or community control for certain offenders.—



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40           (1) As used in this section, the term "school" means the  
41 grounds or facility of any early learning, prekindergarten,  
42 kindergarten, elementary school, middle school, junior high  
43 school, secondary school, career center, or postsecondary  
44 school, whether public or private.

45           (2) Effective for any probationer or community controllee  
46 whose crime was committed on or after October 1, 2023, and who  
47 is placed under supervision for a violation of s. 790.115, s.  
48 790.161, s. 790.1615, s. 790.162, s. 790.163, s. 790.164, s.  
49 790.165, s. 790.166, s. 810.095, or s. 836.10, committed at or  
50 against a school or against a student while he or she is at  
51 school, the court must consider whether conditions of electronic  
52 monitoring and a prohibition from being within 1,000 feet of any  
53 school are appropriate for the offender.

54           Section 3. Paragraph (c) of subsection (2) of section  
55 790.065, Florida Statutes, is amended to read:

56           790.065 Sale and delivery of firearms.-

57           (2) Upon receipt of a request for a criminal history record  
58 check, the Department of Law Enforcement shall, during the  
59 licensee's call or by return call, forthwith:

60           (c)1. Review any records available to it to determine  
61 whether the potential buyer or transferee has been indicted or  
62 has had an information filed against her or him for an offense  
63 that is a felony under either state or federal law, or, as  
64 mandated by federal law, has had an injunction for protection  
65 against domestic violence entered against the potential buyer or  
66 transferee under s. 741.30, has had an injunction for protection  
67 against repeat violence entered against the potential buyer or  
68 transferee under s. 784.046, or has been arrested for a



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69 dangerous crime as specified in s. 907.041(5)(a) ~~s.~~  
70 ~~907.041(4)(a)~~ or for any of the following enumerated offenses:  
71       a. Criminal anarchy under ss. 876.01 and 876.02.  
72       b. Extortion under s. 836.05.  
73       c. Explosives violations under s. 552.22(1) and (2).  
74       d. Controlled substances violations under chapter 893.  
75       e. Resisting an officer with violence under s. 843.01.  
76       f. Weapons and firearms violations under this chapter.  
77       g. Treason under s. 876.32.  
78       h. Assisting self-murder under s. 782.08.  
79       i. Sabotage under s. 876.38.  
80       j. Stalking or aggravated stalking under s. 784.048.

81  
82 If the review indicates any such indictment, information, or  
83 arrest, the department shall provide to the licensee a  
84 conditional nonapproval number.

85       2. Within 24 working hours, the department shall determine  
86 the disposition of the indictment, information, or arrest and  
87 inform the licensee as to whether the potential buyer is  
88 prohibited from receiving or possessing a firearm. For purposes  
89 of this paragraph, "working hours" means the hours from 8 a.m.  
90 to 5 p.m. Monday through Friday, excluding legal holidays.

91       3. The office of the clerk of court, at no charge to the  
92 department, shall respond to any department request for data on  
93 the disposition of the indictment, information, or arrest as  
94 soon as possible, but in no event later than 8 working hours.

95       4. The department shall determine as quickly as possible  
96 within the allotted time period whether the potential buyer is  
97 prohibited from receiving or possessing a firearm.



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98           5. If the potential buyer is not so prohibited, or if the  
99 department cannot determine the disposition information within  
100 the allotted time period, the department shall provide the  
101 licensee with a conditional approval number.

102           6. If the buyer is so prohibited, the conditional  
103 nonapproval number shall become a nonapproval number.

104           7. The department shall continue its attempts to obtain the  
105 disposition information and may retain a record of all approval  
106 numbers granted without sufficient disposition information. If  
107 the department later obtains disposition information which  
108 indicates:

109           a. That the potential buyer is not prohibited from owning a  
110 firearm, it shall treat the record of the transaction in  
111 accordance with this section; or

112           b. That the potential buyer is prohibited from owning a  
113 firearm, it shall immediately revoke the conditional approval  
114 number and notify local law enforcement.

115           8. During the time that disposition of the indictment,  
116 information, or arrest is pending and until the department is  
117 notified by the potential buyer that there has been a final  
118 disposition of the indictment, information, or arrest, the  
119 conditional nonapproval number shall remain in effect.

120           Section 4. This act shall take effect October 1, 2023.

121  
122 ===== T I T L E   A M E N D M E N T =====

123 And the title is amended as follows:

124           Delete everything before the enacting clause  
125 and insert:

126                                   A bill to be entitled



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127 An act relating to electronic monitoring of persons  
128 charged with or convicted of offenses involving  
129 schools or students; amending s. 907.041, F.S.;  
130 defining the term "school"; requiring a court to  
131 consider electronic monitoring and location  
132 restrictions as conditions of pretrial release for  
133 persons charged with certain offenses against schools  
134 or students; creating s. 948.301, F.S.; defining the  
135 term "school"; requiring a court to consider  
136 electronic monitoring and location restrictions as  
137 conditions of probation or community control for  
138 persons charged with certain offenses against schools  
139 or students; amending s. 790.065, F.S.; conforming a  
140 cross-reference; providing an effective date.