

**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.)

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

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BILL: CS/SB 1444

INTRODUCER: Criminal Justice Committee and Senator Collins

SUBJECT: Criminal Justice

DATE: April 14, 2025

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1444 amends current law regarding criminal justice. Specifically, the bill:

- Creates s. 316.2675, F.S., to prohibit the use of devices that can shut off or prevent a vehicle's engine from starting and provides exceptions. A violation is a second degree misdemeanor.<sup>1</sup>
- Amends s. 321.04, F.S., to require the Florida Highway Patrol (FHP) officer's repayment of mileage for off-duty use to be retained by the FHP and not deposited in the General Revenue Fund.
- Amends s. 775.0823, F.S., regarding violent offenses against justice system personnel, to add a minimum mandatory sentence of 25 years for first degree attempted murder.<sup>2</sup>
- Amends s. 790.051, F.S., to add correctional probation officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment.
- Amends s. 790.052, F.S., to add judges, state attorneys and assistant state attorneys to the list of positions that have the right to carry concealed firearms during off-duty hours and utilize their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

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<sup>1</sup> A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss.775.082 and 775.083, F.S.

<sup>2</sup> Section 782.04, F.S.

- Amends s. 817.49, F.S., regarding false reports of the commission of crimes, to increase penalties for making a false report.
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless.
- Amends s. 914.25, F.S., to add battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense.”
- Creates s. 943.0413, F.S., to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement to support the ongoing assessment of the state’s vulnerability to, and ability to recover from, acts of terrorism.
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs.
- Amends s. 943.135, F.S., to allow certified law enforcement officers not employed by a law enforcement agency to be able to retain certification if he or she complies with the certification requirements and continuing education requirements.
- Amends s. 943.1718, F.S., to provide that artificial intelligence may be utilized to review an officer’s or first responder’s body camera; however, any information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.
- Amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee. The bill provides that any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from an arrestee to notice the facility within 24 hours after the exposure. If incapacitated the agency must make such notice. Notice invokes immediate testing of the arrestee.
- Amends ss. 397.417 and 921.022, F.S., to make conforming changes.

The bill authorizes FHP to retain any funds repaid relating to mileage for off-duty use, which will have an indeterminate, negative impact to the General Revenue Fund. Additionally, the bill may have a positive insignificant prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

## **II. Present Situation:**

### **Criminal Justice Standards and Training Commission (CJSTC or commission)**

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida’s criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and

certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.<sup>3</sup>

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. All full-time, part-time, or auxiliary officers shall successfully complete at least 40 hours of in-service training or Advanced, Specialized, or Career Development Training courses every four years.<sup>4</sup> The certification of any officer who fails to meet the mandatory retraining requirement shall become inactive.<sup>5</sup>

### **Licensing Exemptions and Carry Requirements**

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.<sup>6</sup>

Currently, all persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9), F.S., shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.<sup>7</sup>

### **Body Cameras**

Florida law defines a “body camera” as a portable electronic recording device that is worn on a law enforcement officer’s body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.<sup>8</sup> Although Florida law does not require a law enforcement agency to acquire and use body cameras, it does require a law enforcement agency<sup>9</sup> that permits its law enforcement officers<sup>10</sup> to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras.

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<sup>3</sup> Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited March 18, 2025).

<sup>4</sup> Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Mandatory Retraining Requirements*, available at <https://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Mandatory-Retraining> (last visited March 18, 2025).

<sup>5</sup> Section 943.1395(4), F.S.

<sup>6</sup> Section 790.051, F.S.

<sup>7</sup> Section 790.052(1)(a), F.S.

<sup>8</sup> Section 119.071(2)(l)1.a. and 943.1718(1)(a), F.S.

<sup>9</sup> A “law enforcement agency” is defined in s. 943.1718(1)(b), F.S., as an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers as defined in s. 943.10, F.S.

<sup>10</sup> A “law enforcement officer” is defined in s. 943.1718(1)(c), F.S., 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.

Florida law also requires a law enforcement agency that permits its law enforcement officers to wear body cameras to retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, F.S. (maintenance of public records), except as otherwise provided by law. Periodic reviews of actual agency body camera practices are required to ensure conformity with the agency's policies and procedures.<sup>11</sup>

### **Blood Testing of Inmates**

Section 951.27, F.S., provides that each county and municipal detention facility must have a written procedure to establish the conditions under which an inmate will be tested for infectious disease.<sup>12</sup>

Except as otherwise provided, the results of such blood tests are confidential and exempt. Results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information. Also, one such exception to this exemption is that a victim, or the victim's parent or legal guardian, may request the results of any human immunodeficiency virus test performed on an inmate who has been arrested for a sexual offense involving oral, anal, or female genital penetration by, or union with, the sexual organ of another.

### **Repayment of Mileage**

Currently, if a member of the Florida Highway Patrol (FHP) uses an official department vehicle for off-duty police employment, the member will reimburse the FHP for gas, maintenance, and repairs by paying the currently accepted reimbursement rate.<sup>13</sup> These reimbursements are deposited into the General Revenue Fund.

### **False Reports of Commissions of Crimes**

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.<sup>14</sup>

Pursuant to 817.49, F.S., a person who willfully imparts, conveys, or causes to be imparted or conveyed to a law enforcement officer or employee of a public safety agency false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed,

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<sup>11</sup> Section 943.1718(3), F.S.

<sup>12</sup> Section 951.27(1), F.S.

<sup>13</sup> The Florida Department of Highway Safety and Motor Vehicles, *Florida Highway Patrol Policy Manual Policy Number 5.08*, available at <https://www.flhsmv.gov/pdf/fhp/policies/0508.pdf> (last visited March 28, 2025).

<sup>14</sup> Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: <https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347> (last visited March 28, 2025).

commits a first degree misdemeanor. If a false report of a crime results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a third degree felony.<sup>15</sup>
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a second degree felony.<sup>16</sup>

### ***Federal Provisions***

Under Title 18 U.S.C. 1038, also known as the false information and hoaxes law, it is illegal for a person to engage in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that it relates to certain criminal chapters of law such as crimes or threats involving biological or chemical weapons, crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.<sup>17</sup>

A person who commits an offense under this federal law shall:

- Be fined or imprisoned for not more than five years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

### **Motor Vehicle Kill Switch**

A kill switch is an anti-theft device that interrupts the flow of electricity to critical vehicle components, such as the ignition system or fuel pump.<sup>18</sup> When the switch is in the “off” or “kill” position, it interrupts the electrical or fuel supply to the engine, effectively preventing it from starting or running.<sup>19</sup> There are several types of kill switches including ignition wire kill switch, fuse box kill switch, remote controlled car battery switch, car battery disconnect switch, and fuel line shut off valves.<sup>20</sup>

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<sup>15</sup> Sections 775.082, 775.083, or 775.084, F.S.

<sup>16</sup> Sections 775.082, 775.083, or 775.084, F.S.

<sup>17</sup> 18 U.S.C.A. § 1038

<sup>18</sup> Motor Hills, *How to Choose and Install the Best Car Theft Protection Kill Switches*, available at <https://motorhills.com/how-to-choose-and-install-the-best-car-theft-protection-kill-switches/> (last visited March 28, 2025).

<sup>19</sup> Electronics Hub, *Car Kill Switches: Types, Installation & All You Need to Know*, available at <https://www.electronicshub.org/types-of-kill-switches/> (last visited March 28, 2025).

<sup>20</sup> Dash Cam Guide, *5 Best Ways to Install a Kill Switch in Your Car*, available at <https://dashcameras.net/car-kill-switch/> (last visited March 28, 2025).

## **Criminal Punishment Code and Sentencing**

The Criminal Punishment Code<sup>21</sup> (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).<sup>22</sup> The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.<sup>23</sup>

### ***Offense Severity Ranking Chart***

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.<sup>24</sup> Absent mitigation,<sup>25</sup> the

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<sup>21</sup> Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

<sup>22</sup> Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

<sup>23</sup> 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.

<sup>24</sup> Section 921.0024, F.S., unless otherwise noted, information on the Code is from this source.

<sup>25</sup> The court may "mitigate" or "depart downward" from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.

permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.<sup>26</sup>

### ***Mandatory Minimum Sentencing***

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court-imposed sentences.<sup>27</sup> These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

### **Violent offenses committed against specified justice system personnel**

Currently, s. 775.0823, F.S. provides for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer,<sup>28</sup> state attorney,<sup>29</sup> assistant state attorney<sup>30</sup>, public defender<sup>31</sup> regional counsel<sup>32</sup> court-appointed counsel appointed or defense attorney in a criminal proceeding; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the duties. The penalty for murder in the first degree,<sup>33</sup> if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

### **Automatic Sealing**

Some criminal history records are automatically sealed by the FDLE, and do not require a court to order such sealing. Section 943.0595, F.S., provides that the FDLE must automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony or for an offense that would designate a person as a sexual offender, if:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction.<sup>34</sup>

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<sup>26</sup> If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

<sup>27</sup> U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future> (last visited on March 28, 2025).

<sup>28</sup> Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

<sup>29</sup> Section 27.01, F.S.

<sup>30</sup> Section 27.181, F.S.

<sup>31</sup> Section 27.50, F.S.

<sup>32</sup> Section 27.511(3), F.S.

<sup>33</sup> Section 782.04(1), F.S.

<sup>34</sup> A person is not eligible for automatic sealing if the dismissal was pursuant to ss. 916.145 or 985.19, F.S.

- A not guilty verdict was rendered by a judge or jury.<sup>35</sup>
- A judgement of acquittal was rendered by the jury.<sup>36</sup>

The clerk of court must transmit a certified copy of the disposition of the criminal history record that is eligible for automatic sealing to the FDLE. The FDLE must seal the criminal history record upon receipt of the certified copy.<sup>37</sup> There is no limitation on the number of records that a person may have automatically sealed.<sup>38</sup>

Automatic sealing of a criminal history record does not require sealing by the court or other criminal justice agencies, or that such record be surrendered to the court. The record must continue to be maintained by the FDLE and other criminal justice agencies.<sup>39</sup>

### **Critical Infrastructure Mapping**

The United States depends on the reliable function of critical infrastructure. Cybersecurity threats exploit the increased complexity and connectivity of critical infrastructure systems, placing the Nation's security, economy, and public safety and health at risk.<sup>40</sup>

"Critical infrastructure" is defined in the U.S. Patriot Act of 2001 to mean "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."<sup>41</sup> The critical infrastructure community includes public and private owners and operators, and other entities with a role in securing the Nation's infrastructure.

"Critical infrastructure" is addressed in several sections of Florida law, including in s. 119.0725, F.S., which defines it as existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.<sup>42</sup>

"Critical infrastructure facility" is also defined in Florida Statute and is defined in s. 330.41, F.S., as if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders. In part, facilities include:

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<sup>35</sup> A person is not eligible for automatic sealing if the defendant was found not guilty by reason of insanity.

<sup>36</sup> Section 943.0595(2)(a), F.S.

<sup>37</sup> Section 943.0595(3), F.S.

<sup>38</sup> Section 943.0595(2)(b), F.S.

<sup>39</sup> Section 943.0595(3), F.S.

<sup>40</sup> Framework for Improving Critical Infrastructure Cybersecurity, (NIST CSF), National Institute of Standards and Technology, April 16, 2018, <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf> (last visited on April 1, 2025).

<sup>41</sup> 42 U.S.C. § 5195c(e).

<sup>42</sup> Section 119.0725(1)(b), F.S.



- An electrical power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural or liquid gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A state or county correctional institution.

### III. Effect of Proposed Changes:

The bill amends various laws regarding the criminal justice system.

**Section 1** creates s. 316.2675, F.S., relating to motor vehicle kill switches, to prohibit the use of devices that allows a person other than the person in physical control of a motor vehicle to shut off or prevent a vehicle's engine from starting. This does not apply to law enforcement officers performing their duties to prevent felonies; any subscriptions or memberships that are used with the consent of the vehicle owner; or any mechanism or feature that is used with consent of the vehicle owner. Persons who utilize such devices in violation of this section are subject to second degree misdemeanor penalties.<sup>43</sup>

**Section 2** amends s. 321.04, F.S., to prohibit funds repaid by FHP patrol officers for mileage for off-duty uses of official vehicles from being deposited into the General Revenue Fund and require such funds to be retained by the FHP.

**Section 3** amends s. 775.0823, F.S., regarding violent offenses against justice system personnel to add a minimum mandatory sentence of 25 years for first degree attempted murder.<sup>44</sup>

**Section 4** amends s. 790.051, F.S., to add correctional probation officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment.

**Section 5** amends s. 790.052, F.S., adding judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off-duty hours and utilize their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

**Section 6** amends s. 817.49, F.S., regarding false reports of the commission of crimes to increase penalties from a misdemeanor to a third degree felony. If such crime results in bodily harm or disfigurement, the penalty increases from a third degree felony to a second degree felony. If such

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<sup>43</sup> A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss.775.082 and 775.083, F.S.

<sup>44</sup> Section 782.04, F.S.

crime results in death arising out of the response, the penalty increases from a second degree felony to a first degree felony.

The bill provides that state attorneys shall “vigorously” prosecute false reports charged with making a false report of a crime. If probable cause exists to charge an individual, charges must be filed and a physical arrest initiated, if possible.

**Section 7** amends s. 943.135, F.S., to allow certified law enforcement officers not employed by a law enforcement agency to be able to retain certification if he or she complies with the certification requirements and continuing education requirements.

**Section 8** amends s. 943.1718, F.S., to provide that artificial intelligence may be utilized to review an officer’s or first responder’s body camera; however, any information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.

**Section 9** amends s. 951.27, F.S., to require procedures for blood testing include circumstances that warrant immediate blood testing of arrestees upon booking and must require that the results be provided to any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from the arrestee. The bill provides that any first responder or criminal justice professional who has been exposed to bodily fluids or bloodborne pathogens from an arrestee to notice the facility within 24 hours after the exposure. If incapacitated, the agency must make such notice. Notice invokes immediate testing of the arrestee.

**Section 11** amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device, or render such radio, recording device or restraint useless.

**Section 15** amends s. 914.25, F.S., to add battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of the term “serious felony offense.”

**Section 18** amends s. 943.0595, F.S., effective July 1, 2025, to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs. Circumstances eliminated in the bill include:

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record; and
- An indictment, information, or other charging document was filed or issued in the case giving rise to the criminal history record but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court as to all counts.

**Section 19** creates s. 943.0413, F.S., effective July 1, 2025, to establish the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement to support the ongoing assessment of the state’s vulnerability to, and ability to recover from, acts of terrorism. The bill specifies that each map created using funds received from the grant program must be

created in an electronic or digital format and must be provided to all local, state, and federal responding agencies upon request.

**Sections 10, 12, 13, and 14** amend ss. 921.022, 397.417, 420.06241, and 435.04, F.S., respectively, to make conforming changes.

**Sections 16 and 17** reenact ss. 914.27 and 943.031, F.S., respectively, to incorporate the changes made by the act to s. 914.25, F.S.

**Section 20** provides that the bill takes effect on October 1, 2025, except as otherwise expressly provided in this act (sections 18 and 19, relating to the automatic sealing of criminal history records and the Critical Infrastructure Mapping Grant Program, respectively, are effective July 1, 2025).

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

### C. Government Sector Impact:

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

- Per the DOC, in FY 23-24, there were three new commitments to prison for attempted murder of a police officer, correctional officer, or correctional probation officer under s. 782.065, F.S. Since these numbers do not include other justice system personnel, there are other statutes where these attempted murders would likely be included. There were 29 new commitments for attempted felony murder under s. 782.051, F.S. Also, there were 370 new commitments for 1st degree premeditated murder or attempted murder under s. 782.04, F.S. As described, the data under s. 782.04, F.S., includes both actual murder and attempted murder, so these numbers would likely be lower if only premeditated murder was included. Furthermore, it is not known how many of the other court system personnel are included in these numbers. Additionally, there were two new commitments to prison in the same time period for manslaughter of those officers listed under s. 782.07, F.S., which includes other positions, such as firefighters. The sentence lengths for both were roughly fifteen years.
- Per the DOC, in FY 23-24, there were 2,520 new commitments to prison for weapons offenses. It is not known how many of these involved offenses committed by the officials described above, though their potential offenses would likely be for carrying a concealed firearm, where there were 79 new commitments.
- Per the FDLE, in FY 23-24, there were 67 arrests for misdemeanor false reports of commission of crimes, with 31 guilty/convicted charges and 8 adjudication withheld charges.
- Per the DOC, in FY 23-24, there were no new commitments to prison for either one of these felonies. Per the DOC, in FY 23-24, the incarceration rate for a Level 1, 3rd degree felony was 9.7 percent. The incarceration rate for a Level 3, 2nd degree felony was 20 percent, and the incarceration rate for a Level 6, 1st degree felony was 44.4 percent.<sup>45</sup>

The bill also directs FHP officers' repayments of mileage for off-duty use from the General Revenue Fund to the Florida Highway Patrol. This provision will have an indeterminate negative fiscal impact on the General Revenue Fund.

### VI. Technical Deficiencies:

The bill does not specify where the Florida Department of Highway Safety and Motor Vehicles will deposit the repayment of mileage. Clarification is needed to stipulate if these funds will be deposited into an Employee Benefit Trust Fund Account or other fund.

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<sup>45</sup> Office of Economic and Demographic Research, *SB 1444 Criminal Justice*, (on file with the Senate Committee on Criminal Justice)

The bill adds judges, state attorneys and assistant state attorneys to the list of persons who have the right to carry concealed firearms during off duty hours and utilize their weapon in a manner reasonably expected of on duty officers. This section of law provides this right to persons who have CJSTC training. Judges, state attorneys and assistant state attorneys do not have CJSTC training.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 321.04, 775.0823, 790.051, 790.052, 817.49, 843.025, 914.25, 943.135, 943.1718, 951.27, 921.0022, 943.0595

This bill creates sections 316.2675 and 943.0413 of the Florida Statutes.

This bill reenacts section 914.27 and 943.031

**IX. Additional Information:**

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

**CS by Criminal Justice on April 1, 2025:**

The amendment:

- Creates exceptions to the crime of using a vehicle kill switch.
- Removes provisions requiring a life sentence for manslaughter if the victim is a law enforcement officer.
- Provides that Artificial Intelligence may be used, however information obtained through such use must be subject to human oversight and may not be the sole basis for an arrest.
- Amends s. 843.025, F.S., to prohibit a person from depriving a law enforcement officer of his or her radio, recording device, or restraint device.
- Creates the Critical Infrastructure Mapping Grant Program within the Florida Department of Law Enforcement.
- Adds battery by strangulation, human smuggling, human trafficking or any other felony that involves the use or threat of physical force or violence against any individual to the definition of “serious felony offense,” in s. 914.25, F.S.
- Amends s. 943.0595, F.S., to eliminate certain circumstances where criminal histories are automatically sealed and provides that prosecutors may access sealed records for specific purposes, such as determining plea offers, accessing evidence for prosecution, or assessing eligibility for diversion programs.

**B. Amendments:**

None.

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

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