

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 1444

INTRODUCER: Senator Collins

SUBJECT: Criminal Justice

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1444 amends multiple statutes 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, except for law enforcement officers performing their duties to prevent felonies. A violation is a second degree misdemeanor.¹
- Creates a new subsection (6) in 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.²
- Amends s. 782.065(1), F.S., to add manslaughter³ to the list of crimes that can result in life imprisonment for the murder of a Law Enforcement Officer, Correctional Officer or Correctional Probation Officer.
- Amends s. 790.051, F.S., to add Correctional Probation Officers to Law Enforcement Officers or Correctional 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., adds 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.
- Amends s. 817.49, F.S., regarding false reports of the commission of crimes to increase penalties for making a false report.

¹ 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.

² Section 782.04, F.S.

³ Section 782.07, F.S.

- 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 requirements and continuing education requirements.
- Amends s. 943.1718, F.S., to prohibit artificial intelligence from being used to review, monitor, enhance or interact with a body camera worn by a first responder or any video, photo or product produced by the body camera.
- Amends s. 951.27, F.S., to require procedures for blood testing including circumstances that warrant immediate blood testing of arrestees upon booking and requires 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 s. 921.022, F.S., the Criminal Punishment Code in accordance conforming changes.

The bill may have a positive insignificant prison bed impact. *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.⁴

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.⁵ The certification of any officer who fails to meet the mandatory retraining requirement shall become inactive.⁶

⁴ 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).

⁵ 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).

⁶ Section 943.1395(4), F.S.

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.⁷

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.⁸

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.⁹ Although Florida law does not require a law enforcement agency to acquire and use body cameras, it does require a law enforcement agency¹⁰ that permits its law enforcement officers¹¹ 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.

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.¹²

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.¹³

⁷ Section 790.051, F.S.

⁸ Section 790.052(1)(a), F.S.

⁹ Section 119.071(2)(l)1.a. and 943.1718(1)(a), F.S.

¹⁰ 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.

¹¹ 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.

¹² Section 943.1718(3), F.S.

¹³ Section 951.27(1), F.S.

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.¹⁴

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.¹⁵

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, 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.¹⁶
- 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.¹⁷

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

¹⁴ 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).

¹⁵ 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).

¹⁶ Sections 775.082, 775.083, or 775.084, F.S.

¹⁷ Sections 775.082, 775.083, or 775.084, F.S.

biological or chemical weapons, crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.¹⁸

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.¹⁹ 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.²⁰ 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.²¹

Criminal Punishment Code and Sentencing

The Criminal Punishment Code²² (Code) is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).²³ 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.²⁴

¹⁸ 18 U.S.C.A. § 1038

¹⁹ 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).

²⁰ 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).

²¹ 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).

²² 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.

²³ 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.

²⁴ 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.

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.²⁵ Absent mitigation,²⁶ the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.²⁷

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.²⁸ 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.

²⁵ Section 921.0024, F.S., unless otherwise noted, information on the Code is from this source.

²⁶ 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.

²⁷ 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.

²⁸ 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).

Manslaughter

Manslaughter is the killing of a person by the act, procurement, or culpable negligence of another, without lawful justification and is a second degree felony.^{29,30} Manslaughter can be divided into voluntary and involuntary manslaughter:³¹

- Voluntary manslaughter is committing an intentional act that was neither excusable, nor justified that resulted in the death of another person or persuading, inducing, or encouraging another person to commit an act that resulted in the death of another person.
- Involuntary manslaughter is engaging in “culpably negligent” conduct that resulted in the death of another person.

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,³² state attorney,³³ assistant state attorney³⁴, public defender³⁵ regional counsel³⁶ 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,³⁷ if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

III. Effect of Proposed Changes:

The bill amends multiple statutes regarding the criminal justice system.

The bill creates s. 316.2675, F.S., to prohibit the use of devices that permit a person other than the person in control of a motor vehicle to shut off or prevent a vehicle's engine from starting, except for law enforcement officers performing their duties to prevent felonies. Persons who utilize such devices are subject to second degree misdemeanor penalties.³⁸

The bill creates a new subsection (6) in s. 321.04, F.S., requiring the FHP officer’s repayment of mileage for off-duty use to be retained by the FHP and not deposited in the General Revenue Fund.

²⁹ Section 782.07, F.S.

³⁰ A second degree felony is generally punishable by not more than 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

³¹ Cornell Law School, Legal Information Institute, Manslaughter, available at: <https://www.law.cornell.edu/wex/manslaughter> (last visited March 28, 2025).

³² Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

³³ Section 27.01, F.S.

³⁴ Section 27.181, F.S.

³⁵ Section 27.50, F.S.

³⁶ Section 27.511(3), F.S.

³⁷ Section 782.04(1), F.S.

³⁸ 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.

The bill 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.³⁹

The bill also amends s. 782.065(1), F.S., to add manslaughter⁴⁰ to the list of crimes that can result in life imprisonment for the murder of a Law Enforcement Officer, Correctional Officer or Correctional Probation Officer.⁴¹

The bill amends s. 790.051, F.S., to add Correctional Probation Officers to Law Enforcement Officers or Correctional Officers to the list of law enforcement officers who are exempt from licensing requirements for concealed carry, when acting in the scope of employment.

The bill 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.

The bill 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 crime increases from a third degree felony to a second degree felony. If such crime results in death arising out of the response the crime 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.

The bill 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 requirements and continuing education requirements.

The bill amends s. 943.1718, F.S., to prohibit artificial intelligence from being used to review, monitor, enhance or interact with a body camera worn by a first responder or any video, photo or product produced by the body camera.

The bill also amends s. 951.27, F.S., to allow for immediate blood testing of arrestees upon booking and requires 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 notifies the facility within 24 hours after the exposure. If incapacitated the agency must hold responsibility. Notice invokes immediate testing of the arrestee.

The bill amends s. 921.022, F.S., to make a conforming change.

³⁹ Section 782.04, F.S.

⁴⁰ Section 782.07, F.S.

⁴¹ Section 943.10, F.S.

The bill takes effect on October 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 Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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 3 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%. The incarceration rate for a Level 3, 2nd degree felony was 20%, and the incarceration rate for a Level 6, 1st degree felony was 44.4%.⁴²

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.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 321.04, 775.0823, 782.065, 790.051, 790.052, 817.49, 943.135, 943.1718, 951.27, 921.0022

This bill creates the following sections of the Florida Statutes: 316.2675

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

⁴² Office of Economic and Demographic Research, *SB 1444 Criminal Justice*, (on file with the Senate Committee on Criminal Justice)

B. Amendments:

None.

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