

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 849 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Abbott offered the following:

4 **Amendment (with title amendment)**

5 Between lines 85 and 86, insert:

6 **Section 4. Paragraph (d) is added to subsection (3) of**
7 **section 406.135, Florida Statutes to read:**

8 406.135 Autopsies; confidentiality of photographs and
9 video and audio recordings; confidentiality of reports of minor
10 victims of domestic violence; exemption.—

11 (3)

12 (d) Notwithstanding subsection (2), in order to facilitate
13 an anatomical gift or transplantation, an organ procurement
14 organization, an eye bank, or a tissue bank as those terms are
15 defined in s. 765.511, may, pursuant to a written request
16 containing proof of the intent of the decedent, the decedent's

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17 family, or the decedent's health care surrogate to make an
18 anatomical gift in accordance with ch. 765:

19 1. View or copy an autopsy report of a minor whose death
20 was related to an act of domestic violence; and
21 2. View or copy an autopsy report of a person whose manner
22 of death was determined by a medical examiner to have been by
23 suicide.

24 **Section 5. Section 943.0536, Florida Statutes, is created**
25 **to read:**

26 943.0536 Immigration detainer information; collection and
27 storage; fingerprinting.—

28 (1) The department's Criminal Justice Information Program,
29 acting as the state's central criminal justice information
30 repository, shall collect, process, store, maintain, and
31 disseminate immigration detainer information.

32 (2) (a) A law enforcement agency shall capture and
33 electronically submit to the department the fingerprints of a
34 qualifying offender, as defined in s. 943.325, that is in its
35 custody and subject to an immigration detainer.

36 (b) Upon receipt of the fingerprints required to be
37 submitted under paragraph (a), the department must create a
38 record containing the qualifying offender's immigration detainer
39 information.

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40 (3) As used in this section, the terms "immigration
41 detainer" and "law enforcement agency" have the same meanings as
42 in s. 908.102.

43 **Section 6. Subsection (6) of section 943.0581, Florida
44 Statutes is renumbered as subsection (7), subsections (1), (2),
45 and (3), are amended, and a new subsection (6) is added to that
46 section, to read:**

47 943.0581 Administrative expunction for arrests or
48 immigration detainer records made contrary to law or by
49 mistake.—

50 (1) Notwithstanding any law dealing generally with the
51 preservation and destruction of public records, the department
52 may adopt a rule pursuant to chapter 120 for the administrative
53 expunction of any nonjudicial record of an arrest or record
54 containing immigration detainer information described in s.
55 943.0536 of a minor or an adult made contrary to law or by
56 mistake.

57 (2) A law enforcement agency shall apply to the department
58 in the manner prescribed by rule for the administrative
59 expunction of any nonjudicial record of any arrest or record
60 containing immigration detainer information described in s.
61 943.0536 of a minor or an adult who is subsequently determined
62 by the agency, at its discretion, or by the final order of a
63 court of competent jurisdiction, to have been arrested or
64 detained contrary to law or by mistake.

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65 (3) An adult or, in the case of a minor child, the parent
66 or legal guardian of the minor child, may apply to the
67 department in the manner prescribed by rule for the
68 administrative expunction of any nonjudicial record of an arrest
69 or record containing immigration detainer information described
70 in s. 943.0536 alleged to have been made contrary to law or by
71 mistake, provided that the application is supported by the
72 endorsement of the head of the arresting or detaining agency or
73 his or her designee or the state attorney of the judicial
74 circuit in which the arrest occurred or his or her designee.

75 (6) An application for an administrative expunction for a
76 record containing immigration detainer information as described
77 in s. 943.0536 must include the date and time when such person
78 was detained, the person's name, the offender-based tracking
79 system (OBTS) number, and information relating to the
80 immigration detainer. The application must be on the submitting
81 agency's letterhead and must be signed by the head of the
82 submitting agency or his or her designee.

83 (7) (6) An application or endorsement under this section is
84 not admissible as evidence in any judicial or administrative
85 proceeding and may not be construed in any way as an admission
86 of liability in connection with an arrest or detention.

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89 **T I T L E A M E N D M E N T**

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90 Between lines 17 and 18, insert:
91 amending s. 406.135, F.S.; authorizing an organ
92 procurement organization, an eye bank, or a tissue
93 bank to view or copy specified autopsy records under
94 certain circumstances; creating s. 943.0536, F.S.;
95 authorizing the Criminal Justice Information Program
96 to collect and disseminate records containing
97 immigration detainer information in specified
98 circumstances; requiring law enforcement agencies to
99 capture and submit fingerprints of specified offenders
100 to the department; requiring the department to create
101 certain records; amending s. 943.0581, F.S.;
102 authorizing the administrative expunction of specified
103 records in certain circumstances; providing
104 requirements for an application for administrative
105 expunction of specified records;