

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 849 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

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 in the manner prescribed
34 by rule the fingerprints of a qualifying offender, as defined in
35 s. 943.325, that is in its custody and subject to an immigration
36 detainer.

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

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

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

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

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

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

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

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

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

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

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