

Agenda Order

Tab 1	CS/SB 10 by JU, Pizzo ; Similar to H 06501 Relief of Sidney Holmes by the State of Florida					
Tab 2	CS/SB 240 by CJ, Berman (CO-INTRODUCERS) Rodriguez, DiCeglie, Pizzo, Smith, Garcia ; Identical to CS/H 00019 Victims of Domestic Violence and Dating Violence					
Tab 3	CS/SB 494 by CJ, Leek (CO-INTRODUCERS) Arrington ; Similar to CS/H 00255 Aggravated Animal Cruelty					
510562	A	S	LWD	ACJ, Martin	Delete L.13:	04/10 07:56 PM
Tab 4	SB 500 by Avila ; Identical to H 00711 Spectrum Alert					
247248	A	S	LRCS	ACJ, Avila	btw L.80 - 81:	04/11 08:49 AM
Tab 5	SB 984 by Gruters ; Similar to H 00693 Aggravating Factors					
Tab 6	SB 1054 by Garcia (CO-INTRODUCERS) Avila ; Similar to CS/CS/H 00437 Tampering with an Electronic Monitoring Device					
Tab 7	SB 1072 by McClain ; Similar to CS/H 00847 Expedited DNA Testing Grant Program					
Tab 8	CS/SB 1084 by CJ, Martin ; Similar to CS/CS/H 01451 Sexual Cyberharassment					
Tab 9	CS/SB 1140 by CJ, Gruters ; Similar to CS/CS/CS/H 01095 Criminal Offender Substance Abuse Pilot Program					
267094	A	S	RCS	ACJ, Gruters	Delete L.65 - 91:	04/11 08:51 AM
Tab 10	CS/SB 1180 by CJ, Gaetz ; Compare to CS/CS/H 00757 Sexual Images					
808900	D	S	RCS	ACJ, Gaetz	Delete everything after	04/11 08:52 AM
Tab 11	SB 1252 by Yarborough ; Compare to CS/H 01359 Statewide Pawn Data Database					
690272	D	S	RCS	ACJ, Yarborough	Delete everything after	04/11 08:53 AM
Tab 12	SB 1268 by Simon ; Similar to CS/CS/H 01053 Department of Law Enforcement					
Tab 13	CS/SB 1344 by CJ, Simon ; Similar to CS/H 01405 Juvenile Justice					
772728	A	S	LRCS	ACJ, Simon	Delete L.490 - 2674:	04/11 08:54 AM
Tab 14	CS/SB 1386 by CJ, Yarborough ; Similar to CS/H 00857 Assault or Battery on a Utility Worker					
540570	D	S	RCS	ACJ, Yarborough	Delete everything after	04/11 08:56 AM
Tab 15	CS/SB 1422 by CJ, Truenow ; Similar to CS/CS/H 01121 Unmanned Aircraft or Unmanned Aircraft Systems					
208498	A	S	RCS	ACJ, Truenow	Delete L.94 - 129:	04/11 08:58 AM

Agenda Order

Tab 16	CS/SB 1650 by JU, Grall (CO-INTRODUCERS) Yarborough; Similar to CS/CS/H 01559 Vexatious Litigants					
558644	D	S	RCS	ACJ, Grall	Delete everything after	04/11 08:59 AM
Tab 17	CS/SB 1652 by JU, Grall (CO-INTRODUCERS) Yarborough; Similar to CS/CS/H 01569 Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court					
164838	A	S	RCS	ACJ, Grall	Delete L.19 - 20:	04/11 09:01 AM
Tab 18	SB 1654 by Martin; Similar to CS/H 01351 Registration of Sexual Predators and Sexual Offenders					
250020	D	S	RCS	ACJ, Martin	Delete everything after	04/11 09:01 AM
Tab 19	CS/SB 1284 by JU, Grall (CO-INTRODUCERS) Burton; Similar to CS/H 01517 Civil Liability for the Wrongful Death of an Unborn Child					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
 APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL
 JUSTICE
 Senator Garcia, Chair
 Senator Martin, Vice Chair

MEETING DATE: Thursday, April 10, 2025

TIME: 11:00 a.m.—1:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Martin, Vice Chair; Senators Ingoglia, Osgood, Polsky, Rouson, Simon, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 10 Judiciary / Pizzo (Similar H 6501)	Relief of Sidney Holmes by the State of Florida; Providing for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees, etc. SM JU 03/19/2025 Fav/CS ACJ 04/10/2025 Favorable AP	Favorable Yeas 8 Nays 0
2	CS/SB 240 Criminal Justice / Berman (Identical CS/H 19, Compare CS/H 41, Linked S 242)	Victims of Domestic Violence and Dating Violence; Requiring the Division of Telecommunications within the Department of Management Services to consult with certain entities to conduct a feasibility study regarding a specified alert system; revising legislative findings to include victims of dating violence; authorizing victims of dating violence to apply to participate in the Attorney General's address confidentiality program, etc. CJ 04/01/2025 Fav/CS ACJ 04/10/2025 Favorable FP	Favorable Yeas 8 Nays 0
3	CS/SB 494 Criminal Justice / Leek (Similar CS/H 255, Compare H 455, S 502)	Aggravated Animal Cruelty; Citing this act as "Dexter's Law"; requiring the Department of Law Enforcement to post on its website the names of certain individuals who have violated specified animal cruelty provisions; providing a sentencing multiplier for specified offenses of aggravated animal cruelty, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Favorable FP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 500 Avila (Identical H 711)	Spectrum Alert; Requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems, etc. CJ 03/25/2025 Favorable ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
5	SB 984 Gruters (Similar H 693)	Aggravating Factors; Providing an additional aggravating factor for capital felonies, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 Favorable FP	Favorable Yeas 6 Nays 2
6	SB 1054 Garcia (Similar CS/CS/H 437)	Tampering with an Electronic Monitoring Device; Reclassifying the offense of tampering with an electronic monitoring device to provide graduated penalties; requiring termination of pretrial release of a person who tampers with such a device while on pretrial release, etc. CJ 03/11/2025 Favorable ACJ 04/10/2025 Favorable FP	Favorable Yeas 8 Nays 0
7	SB 1072 McClain (Similar CS/H 847)	Expedited DNA Testing Grant Program; Defining the term "private lab"; creating the Expedited DNA Testing Grant Program within the Department of Law Enforcement; specifying potential grant recipients; providing purposes for the grants under the program; specifying eligible uses for such grant funds, etc. CJ 04/01/2025 Favorable ACJ 04/10/2025 Favorable FP	Favorable Yeas 8 Nays 0
8	CS/SB 1084 Criminal Justice / Martin (Similar CS/H 1451)	Sexual Cyberharassment; Providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; authorizing an aggrieved person to initiate a civil action to recover punitive damages; providing time limitations for commencing prosecution for violations of sexual cyberharassment, etc. CJ 03/18/2025 Fav/CS ACJ 04/10/2025 Favorable FP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	CS/SB 1140 Criminal Justice / Gruters (Similar CS/CS/CS/H 1095)	Criminal Offender Substance Abuse Pilot Program; Creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; providing for design and implementation of the program in the county; authorizing subgrants for personnel needs; requiring a report to certain officials by a specified date, etc. CJ 04/01/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
10	CS/SB 1180 Criminal Justice / Gaetz (Compare CS/CS/H 757)	Sexual Images; Providing criminal penalties for persons who willfully and maliciously generate or possess an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing exceptions; authorizing an aggrieved person to initiate a civil action against persons who violate specified provisions, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
11	SB 1252 Yarborough (Compare CS/H 1359)	Statewide Pawn Data Database; Providing definitions; requiring the Department of Law Enforcement to create a statewide database of transaction data electronically reported by specified businesses; prohibiting certain data transfers by third-party vendors; providing restrictions on use; providing requirements for data storage; providing penalties for violations; authorizing rulemaking, etc. CM 03/17/2025 Favorable ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
12	SB 1268 Simon (Similar CS/CS/H 1053)	Department of Law Enforcement; Repealing provisions relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; revising the membership of the Domestic Security Oversight Council; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 Favorable FP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	CS/SB 1344 Criminal Justice / Simon (Similar CS/H 1405)	Juvenile Justice; Providing for appointment of counsel in certain circumstances; providing for payment of counsel; revising provisions for a child's punishment for contempt of court; requiring parents to use health care insurance to the extent that it is available; authorizing that a child be taken into custody pursuant to a finding of contempt; providing for early truancy intervention; specifying when a guardian ad litem may be appointed, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
14	CS/SB 1386 Criminal Justice / Yarborough (Similar CS/H 857)	Assault or Battery on a Utility Worker; Defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker, etc. CJ 03/25/2025 Fav/CS ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
15	CS/SB 1422 Criminal Justice / Truenow (Similar CS/CS/H 1121)	Unmanned Aircraft or Unmanned Aircraft Systems; Revising the definition of the term "critical infrastructure facility"; increasing the criminal penalty for certain prohibited actions relating to drones; prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems; authorizing certain persons to use reasonable force to prohibit a drone from conducting surveillance under certain circumstances, etc. CJ 03/18/2025 Fav/CS ACJ 04/10/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 0
16	CS/SB 1650 Judiciary / Grall (Similar CS/CS/H 1559)	Vexatious Litigants; Expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; prohibiting clerks of the court from accepting certain filings from a vexatious litigant, etc. JU 03/19/2025 Fav/CS ACJ 04/10/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Thursday, April 10, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	CS/SB 1652 Judiciary / Grall (Similar CS/CS/H 1569)	Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court; Providing an exemption from public records requirements for a matter in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing a statement of public necessity, etc. JU 03/19/2025 Fav/CS ACJ 04/10/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 0
18	SB 1654 Martin (Similar CS/H 1351)	Registration of Sexual Predators and Sexual Offenders; Revising reporting requirements for sexual predators; revising reporting requirements for sexual offenders; revising verification requirements, etc. CJ 03/18/2025 Favorable ACJ 04/10/2025 Fav/CS FP	Fav/CS Yeas 8 Nays 0
19	CS/SB 1284 Judiciary / Grall (Similar CS/H 1517)	Civil Liability for the Wrongful Death of an Unborn Child; Revising the definition of the term “survivors” to include the parents of an unborn child; defining the term “unborn child”; providing that the Wrongful Death Act does not authorize a wrongful death action against the mother of an unborn child for the death of the child; providing that the act does not authorize a wrongful death action against a health care provider for the death of an unborn child which results from medical care complying with the applicable standard of care; authorizing parents of an unborn child to recover certain damages, etc. JU 04/01/2025 Fav/CS ACJ 04/10/2025 Favorable RC	Favorable Yeas 5 Nays 3

Other Related Meeting Documents

By the Committee on Judiciary; and Senator Pizzo

590-02592-25

202510c1

A bill to be entitled

An act for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to the act; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees; prohibiting Mr. Holmes from submitting a compensation application under certain provisions upon his receipt of payment under the act; providing that certain benefits are void upon specified findings; providing an effective date.

WHEREAS, Sidney Holmes was arrested on October 6, 1988, for a robbery committed on June 19, 1988, outside a convenience store in Fort Lauderdale and was convicted on April 26, 1989, of armed robbery with a firearm, and

WHEREAS, since the time of his arrest, Mr. Holmes has been unwavering in maintaining his innocence in connection with the crime, and

WHEREAS, Mr. Holmes, who had previous felony convictions, was sentenced to 400 years in prison and served 34 years of that sentence, and

WHEREAS, on February 23, 2023, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02592-25

202510c1

issued a 25-page "Conviction Review Unit Final Memorandum," reaching the conclusion that Mr. Holmes' judgment and sentence should be vacated and that the State Attorney's Office should enter a nolle prosequi, and

WHEREAS, the final memorandum was issued based on the findings of the Independent Review Panel that the case against Mr. Holmes gave rise to reasonable doubt as to his culpability and noted that it was highly likely that Mr. Holmes is factually innocent of the armed robbery and that the Broward County State Attorney's Office would not charge Mr. Holmes if the case were presented today, and

WHEREAS, on March 13, 2023, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an "Agreed Order Vacating Judgment and Sentence" on the basis that there is reasonable doubt as to Mr. Holmes' guilt in the case and that it is highly likely that he was misidentified and is factually innocent of the armed robbery, and

WHEREAS, that same day, the state filed a Notice of Nolle Prosequi, exonerating Mr. Holmes, and

WHEREAS, the Legislature acknowledges that the state's system of justice yielded an imperfect result that had tragic consequences in this case, and

WHEREAS, the Legislature acknowledges that as a result of his physical confinement, Mr. Holmes suffered significant damages that are unique to him, and that the damages are due to the fact that he was physically restrained and prevented from exercising the freedom to which all innocent citizens are entitled, and

WHEREAS, before his conviction for the aforementioned

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02592-25

202510c1

crime, Mr. Holmes had prior convictions for unrelated felonies,
and

WHEREAS, because of those prior felony convictions, Mr.
Holmes is ineligible for compensation under chapter 961, Florida
Statutes, and

WHEREAS, the Legislature apologizes to Mr. Holmes on behalf
of the state, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are
found and declared to be true.

Section 2. The sum of \$1.722 million is appropriated from
the General Revenue Fund to the Department of Financial Services
for the relief of Sidney Holmes for his wrongful incarceration.
The Chief Financial Officer is directed to draw a warrant in
favor of Mr. Holmes in the sum of \$1.722 million, payable
directly to Sidney Holmes.

Section 3. Tuition and fees for Mr. Holmes shall be waived
for up to a total of 120 hours of instruction at any career
center established under s. 1001.44, Florida Statutes, any
Florida College System institution established under part III of
chapter 1004, Florida Statutes, or any state university. For any
educational benefit made, Mr. Holmes must meet and maintain the
regular admission and registration requirements of such career
center, institution, or state university and make satisfactory
academic progress as defined by the educational institution in
which he is enrolled.

Section 4. With respect to the relief for Mr. Holmes as

590-02592-25

202510c1

described in this act, the Legislature does not waive any
defense of sovereign immunity or increase the limits of
liability on behalf of the state or any person or entity that is
subject to s. 768.28, Florida Statutes, or any other law. Funds
awarded under this act to Mr. Holmes may not be used or paid for
attorney fees or lobbying fees related to this claim.

Section 5. Upon his receipt of payment under this act, Mr.
Holmes may not submit an application for compensation under
chapter 961, Florida Statutes.

Section 6. The amount awarded under this act is intended to
provide the sole compensation for all present and future claims
arising out of the factual situation described in this act.

Section 7. If any future judicial determination concludes
that Mr. Holmes, by DNA evidence or otherwise, participated in
any manner in the armed robbery for which he was incarcerated,
the unused benefits to which he is entitled under this act are
void.

Section 8. This act shall take effect upon becoming a law.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 10
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

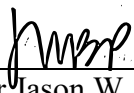
To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 21, 2025

I respectfully request that **Senate Bill #10**, relating to Relief of Sidney Holmes by the State of Florida, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.



Senator Jason W. B. Pizzo
Florida Senate, District 37

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 10

Bill Number or Topic

Amendment Barcode (if applicable)

4/10/25
Meeting Date
Civil/Imm Justice Appropri
Committee

Name Seth Miller Phone 850-561-6767
Executive Director, Innocence Project of Florida
Address 184 Marriott Dr. Suite 104 Email Smiller@innocence.org
TLH FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 10

Bill Number or Topic

4/18/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Civil / Criminal Justice Approp

Committee

Amendment Barcode (if applicable)

Name Sidney Holmes

Phone 954-488-1802

Address 13004 Wildflower Meadow Dr.

Email

Street

Broward

FL

33579

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

DATE	COMM	ACTION
3/14/25	SM	Favorable
3/19/25	JU	Fav/CS
4/10/25	ACJ	Favorable
	AP	

March 14, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 10** – Committee on Judiciary and Senator Pizzo
HB 6501 – Representative Gottlieb
Relief of Sidney Holmes by the State of Florida

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$1.772 MILLION, AND A WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION, TO COMPENSATE SIDNEY L. HOLMES FOR 34 YEARS OF WRONGFUL INCARCERATION.

FINDINGS OF FACT:

General Overview

On October 6, 1988, Sidney Lamar Holmes (the claimant) was arrested and charged with robbery with a firearm, in Broward County. In April 1989, the claimant was tried before a jury and convicted of the aforementioned charges. The claimant was sentenced to 400 years in prison. He remained incarcerated until his conviction was overturned, serving over 34 years.

Since his conviction, claimant has maintained and sought to establish his innocence. He sought the assistance of the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office ("CRU"), to obtain post-conviction relief.

In November 2020, the claimant sent a letter requesting the CRU review his case, whereupon the CRU began reviewing his case and claim of factual innocence. After finding that claimant had asserted a plausible claim of innocence, the CRU asked the Innocence Project of Florida, Inc., ("IPF"), to assist claimant in his attempt for post-conviction relief. Upon conclusion of the joint investigation between the CRU and IPF, the CRU concluded that there was reasonable doubt as to claimant's guilt and that it is highly likely that he was misidentified and is factually innocent of the armed robbery.

The CRU then presented the case to an Independent Review Panel ("IRP"), to provide its own interpretation of the case. The IRP, which consists of six Broward County residents, reviewed all the documents relevant to claimant's case and unanimously concluded that the evidence gave rise to a reasonable doubt as to claimant's culpability. Five of the six members of the IRP voted that claimant is innocent and should be exonerated.

Upon the conclusion of its investigation, the CRU ultimately filed a Motion for Post-Conviction Relief and to Vacate the Judgments, Convictions, and Sentences in the claimant's case in which it concluded that the claimant is actually innocent and should be exonerated of all charges. The court ultimately agreed, and on March 13, 2023, entered an order vacating the convictions and sentences. The claimant was immediately released from incarceration.

Subsequently, this claim bill was filed to obtain compensation for his wrongful incarceration. Because of his prior convictions in 1984, claimant is precluded from receiving compensation through the Victims of Wrongful Incarceration Act.

Overview of the Crime

On the evening of June 19, 1988, two males accosted Vincent Wright and Anissia Johnson at a One Stop convenience store where Wright and Johnson had stopped to put air in a tire. While Wright was filling up the tire, two unidentified men came up behind him and demanded money. When Wright told the men that he did not have any money, one of the men confronted Johnson, pointed a gun at her and again demanded money. Johnson, who was sitting in the front passenger seat of Wright's car, responded that she also did

not have any money. While this was occurring, a third man, purportedly claimant, pulled up in a brown Oldsmobile with a hole in the trunk of the car where the lock would normally be. At the 1989 trial, Wright testified that the third man got out of the car and told his accomplices to take Wright's car and that he would meet up with them later.

After the perpetrators drove off with Wright's car, a friend of Wright's pulled into the One Stop convenience store, at which point Wright got in the car with him and chased after his car. Johnson stayed back at the scene and called police. When police arrived, Johnson told Deputy Kenneth Smith what happened, but never mentioned a third perpetrator or a brown car. Deputy Smith never spoke to Wright. Wright and his friend were unsuccessful in catching up to his car.

Eyewitness Identification and Arrest

Following the robbery at the convenience store, Vincent Wright spoke with his brother, Milton Wright, about the event. Milton claimed to have been robbed earlier the same day, under similar circumstances, in the same area as Vincent's robbery. Specifically, Milton recalled that the perpetrators in his event drove a brown Oldsmobile from the 1970s that, like in Vincent's robbery, had a hole in the trunk where the lock would normally be.¹

Milton then began looking out for cars that fit the description of the car allegedly used in both robberies. He found one and gave the license tag number to his brother, who passed it along to the police; however, police notified Vincent that it was the wrong car.² Two to three weeks after the robbery, Milton gave Vincent another license plate of a brown Oldsmobile that belonged to the claimant. However, there was no hole in the trunk of this particular car, which led Milton to believe that the hole had been fixed.³ This ultimately led to claimant becoming a suspect.

Vincent Wright spoke with police several times following the incident, but it was not until nine days after the robbery on June 28, 1988, that he first spoke with investigators about what happened at the convenience store. In a sworn

¹ Conviction Review Unit Final Memorandum, p. 7, (Feb. 20, 2023).

² *Id.* at 8; The police did not inform Wright as to why this car was the incorrect car.

³ *Id.*

statement a month later, Wright described the driver of the brown car only as a black man. Then, during a deposition in January, 1989, he recalled the driver as short, dark-skinned and having big lips. In a second deposition in March, 1989, Wright described the driver as about 5'6, 170 pounds, dark-skinned, muscle-bound, big lips, low haircut and a little overweight.⁴

On the day Wright first spoke with police regarding the robbery, Detective Robert Campbell showed Wright a book containing 250 photographs, of which Wright was unable to identify any suspects. A photograph of the claimant was not included in the book because he was not a suspect at that point in time.⁵ A few days later, and subsequent to Wright turning in claimant's license plate information, Wright was shown a lineup of six photographs that contained a photo of the claimant. Again, Wright did not make an identification.⁶

Following Wright's failure to identify claimant in the first photograph lineup containing claimant's photo, detectives met with claimant and asked if they could take an updated photo of him (the photograph used in the first lineup was from 1984), to which claimant fully cooperated, allowing the detectives to take the photo, but asserting his innocence.⁷

It was not until the third lineup of photographs that Wright made an identification of claimant.⁸ Wright met with the detectives on July 25, 1988, who showed him a second photograph lineup that contained the updated photo of claimant. The claimant was the only person included in both the first and second lineup.⁹

The claimant was arrested on October 6, 1988, and two weeks later identified by Wright during a live lineup of six people. As with the second photograph lineup Wright viewed, claimant was the only person to have appeared multiple times, this being the third time Wright had seen the claimant.

⁴ *Id.* at 5; It should be noted that the arrest report from 1988 lists the claimant as 6'0 and 183 pounds, which is inconsistent with the description given by Wright; *see also*, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:14:20.

⁵ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

⁶ *Id.*

⁷ *Id.* at 11.

⁸ *Id.*

⁹ *Id.*

Trial and Conviction

The state's case rested solely on Milton Wright's "identification" of claimant's vehicle, Vincent Wright's identification of claimant in the several lineups and the fact that claimant drove a brown Oldsmobile.¹⁰ Milton Wright, who had previously been deposed, did not testify at the trial.¹¹ On the first day of the trial, Vincent Wright identified claimant in the courtroom; this was the fourth time Wright had seen claimant and the third time he identified him as the driver of the brown Oldsmobile.¹² During his testimony, Wright told the story of how he received claimant's license tag number and also testified that the driver of the brown Oldsmobile was 5'6 and "heavysset."¹³ Anissia Johnson testified that she never identified any of the perpetrators.¹⁴ The state did not present any physical evidence that claimant's Oldsmobile ever had a hole in the trunk.¹⁵

The defense presented four alibi witnesses for claimant. Each alibi witness testified that claimant had been at his parents' house attending a Father's Day celebration all day on June 19, 1988. Further, three of the four witnesses testified that claimant's car had been parked beneath a tree in the front yard and did not move until claimant left the celebration that night.¹⁶ The fourth testifying witness, a friend of claimant's, testified that he drove claimant's car to pick up his girlfriend and was gone for about an hour, but that claimant stayed back at the house.¹⁷ Two additional witnesses gave depositions, but did not testify at claimant's trial.

A jury ultimately found the claimant guilty of armed robbery. At the sentencing hearing, the prosecutor asked the judge to sentence claimant to 825 years "to ensure that [claimant] won't be released from prison while he's breathing."¹⁸ The

¹⁰ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 58:00-58:25.

¹¹ Conviction Review Unit Final Memorandum, p. 7, (February 20, 2023).

¹² *Id.* at 11.

¹³ *Id.* at 6-7.

¹⁴ *Id.* at 10.

¹⁵ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:09:50; police records from when claimant's car had been reported stolen that same year do not mention a hole in the trunk of claimant's car.

¹⁶ Conviction Review Unit Final Memorandum, p. 18, (February 20, 2023).

¹⁷ *Id.*

¹⁸ *Id.* at 22.

prosecutor also intimated that he offered claimant a chance to avoid prison time if he would have given the identities of the other two perpetrators, but as claimant maintained he did not know the identities, he did not accept the offer. The judge ultimately sentenced claimant to 400 years in Florida State Prison.¹⁹

Review by the Conviction Review Unit and the Innocence Project of Florida, Inc.

Since first becoming a suspect in 1988, claimant has maintained his innocence.²⁰ The claimant submitted an application to have his case reviewed by the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office in November, 2020.²¹ When performing a preliminary review of claimant's case, the CRU determined he presented a plausible claim of innocence, and thus the CRU requested the IPF assist in claimant's claim for post-conviction relief.

Witness Interviews

Investigators conducted an interview with Vincent Wright on September 26, 2022, at the State Attorney's Office. Wright testified that the driver of the Oldsmobile never got out of the car and further, that he did not remember the car at all.²² He also testified that he didn't remember what the driver looked like and that the person he identified could have been either the driver or either of the two other perpetrators.²³

In June of 2022, the IPF re-interviewed Anissia Johnson who remained steadfast that because she was so focused on the gun one of the perpetrators was carrying, she was never able to identify any of the perpetrators.²⁴

Both Wright and Johnson stated they believed claimant should no longer be in prison. Johnson stated that she believed that even if claimant had committed the crime in 1988, "this happened so long ago that [she] feels like he

¹⁹ *Id.* at 23.

²⁰ *Id.* at 11.

²¹ *Id.* at 1.

²² *Id.* at 4, 7.

²³ *Id.* at 6, 11.

²⁴ *Id.* at 6.

served his time.”²⁵ Wright expressed similar sentiments, stating 30 years for this case “is a long time,” and that claimant should be released from prison.²⁶

The CRU conducted follow-up interviews with claimant’s alibis at trial who all maintained their stories from 1989.²⁷ All of claimant’s alibi witnesses remembered claimant being at the Father’s Day celebration all day and recall riding “dirt bikes or something like that.”²⁸

Although some of the details of the alibi reports were inconsistent with each other, which may lead to a lesser perception of honesty, research shows that “lying pairs can plan an alibi ahead of time, whereas truth-telling pairs will tend to instead rely on memory—which is prone to normal memory errors.”²⁹ So, even though the alibi witnesses’ stories may have contained some inconsistencies, the fact that they all recalled claimant being at the house the entire day, while not definitively proving his innocence, leads to additional support of his innocence claim.³⁰

Expert Witness Reports

Both the CRU and the IPF consulted separate eyewitness identification experts to review the events and procedures used in claimant’s case. Each expert identified a list of issues that “show an increase in the probability of unreliable identification made under the same circumstances.”³¹ IPF consulted Dr. Lora Levett, a tenured professor in the Department of Sociology and Criminology & Law at the University of Florida and past president of the American Psychology Law Society to review the documents from claimant’s case. Dr. Levett identified eleven issues that either contaminated the investigation or were outdated standards of procedure in law enforcement that would no longer be accepted today.

²⁵ *Id.* at 9.

²⁶ *Id.* at 10.

²⁷ The IPF investigators were able to re-interview five of the six alibi witnesses; claimant’s father has since passed away.

²⁸ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

²⁹ *Id.* at 19.

³⁰ *Id.*

³¹ *Id.* at 11, 12.

Chief among the issues Dr. Levett identified concerned issues with the lineup identifications and the fact that claimant was the only person who was in both photo lineups presented to Wright.³² According to Dr. Levett, research shows that the first lineup is the only “uncontaminated chance to test the witness’s memory,” because “it is impossible to tell whether Wright identified [claimant] in the second photo lineup because Wright’s memory was tainted from seeing [claimant] in the first photo lineup.”³³ Wright did not identify claimant when he was first shown claimant’s photo in the first photo lineup that included claimant.³⁴ Wright did, however, identify claimant in the second photo lineup, of which claimant was the only person appearing in both sets.³⁵ According to Dr. Levett, “the importance of focusing on the first identification test cannot be emphasized strongly enough,” so “if one focuses on the first identification test in this case, the witness did not identify [claimant] as the perpetrator.”³⁶

The CRU consulted Dr. Laura Shambaugh, an expert in legal psychology and an eyewitness memory researcher who is a volunteer with the CRU. Dr. Shambaugh concurred with Dr. Levett’s analysis and identified nine issues with claimant’s case. Like Dr. Levett, Dr. Shambaugh took issue with claimant being the only person to be featured in the first and second photo lineup, finding that “when witnesses view multiple lineups containing the same individual, it is difficult to know whether any subsequent recognition is from the witnesses’ memory trace of the crime, or the product of a source monitoring error (from having seen the individual in a prior lineup).”³⁷ She also found several issues with the fairness of the lineups: 1) the photos in the lineup were all lighter than the photo of claimant that was used; 2) the instructions given to Wright before the photo lineup was administered were not recorded;³⁸ and 3) the lineup administrator was the same detective that investigated the case, which may have led

³² Conviction Review Unit Final Memorandum, 14, (February 20, 2023).

³³ *Id.*

³⁴ *Id.* at 10.

³⁵ *Id.* at 11.

³⁶ *Id.* at 14.

³⁷ *Id.* at 17.

³⁸ Studies show that instructing the witness that the suspect may or may not be present in the lineup is important because the witness “may be more likely to make an identification out of the default belief that the suspect is present. Conviction Review Unit Final Memorandum, p.18, (February 20, 2023).

Wright to pick up on inadvertent clues to identify the claimant.³⁹

Studies into schema also show that when questioned about specifics that occurred previously, people tend to resort to their usual activities and routines to provide an answer.⁴⁰ When first questioned by police, claimant stated that he could not have participated in the robbery because his car had been stolen at the time. However, it was not until later in the investigation that claimant realized the robbery had occurred on Father's Day. Once this was revealed, he realized he had been at the Father's Day celebration and changed his alibi accordingly.⁴¹ At first glance, this may seem to indicate that claimant was lying about his alibi, but according to research into mistaken alibis, this is completely normal; "when suspects lack a memory for their whereabouts for a specific time in the past...they tend to resort to a backup strategy: they assess their "schemas"—their beliefs about what they normally do during the critical time period."⁴² So because claimant was not questioned until much later after the robbery occurred, in addition to not being told until later in the legal process that the robbery occurred on Father's Day, claimant resorted back to what he thought he would normally be doing four months prior—that his car had been stolen around that time and thus he did not have his car to commit the robbery. Once he realized the robbery occurred on Father's Day, he was better able to recall what he was specifically doing on the date in question.⁴³

In August of 2022, an IPF investigator interviewed Dave Pfaff, a historian at the R.E. Olds Transportation Museum, who told IPF that the Oldsmobile Cutlass was the best-selling car in America between 1976 and 1983 and was a "standout seller of the 1980s."⁴⁴ When asked during a 2022 interview to recall the perpetrator's vehicle, witness Anissia Johnson claimed, "man, that car was everywhere back then."⁴⁵ With the

³⁹ Best practices recommend that identification procedures be administered by computer or by an officer without any case-specific knowledge. *Id.*

⁴⁰ *Id.* at 20.

⁴¹ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:16:20.

⁴² Conviction Review Unit Final Memorandum, p. 20, (February 20, 2023), citing, Leins, D.A., & Charman, S. D. (2016). Schema reliance and innocent alibi generation. *Legal and Criminological Psychology*, 21, 111-126.

⁴³ *Id.* at 19-20.

⁴⁴ *Id.* at 8.

⁴⁵ *Id.*

popularity of the perpetrator's car, the CRU concluded that the probability of a misidentification was high.

Beginning in February, 2023, the CRU also worked with the Independent Review Panel ("IRP") in Broward County, a body of six Broward County residents, to review and provide its own recommendation for claimant's case.⁴⁶ After reviewing all of the documents relevant to claimant's case, the IRP unanimously concluded that there was reasonable doubt as to claimant's culpability, with five of the six members believing that claimant was innocent and that he should be exonerated immediately.⁴⁷ The IRP ultimately recommended that claimant's judgment and sentence be vacated and the State Attorney's Office should enter a Nolle Prosequi.⁴⁸

Prior Convictions and Prison Disciplinary Record

The claimant has two prior convictions for felony offenses stemming from separate incidents that occurred on August 31, 1984. In these incidents, claimant was the driver for an acquaintance who committed two armed robberies. When the pair were caught, claimant immediately confessed to his wrongdoing. Claimant ultimately pled guilty and was sentenced to 5.5 years in prison.⁴⁹ Claimant was released from prison on March 17, 1987. The claimant has never been convicted of any other misdemeanors or felonies.⁵⁰

During his 34 years in the Florida State Prison system related to this incident, claimant only had seven minor, non-violent violations, with his most recent violation occurring over 13 years ago in 2009.⁵¹ Upon his release, CRU investigators asked claimant how he maintained such a clean disciplinary record while in prison, to which claimant replied, "I believe in God and knew I was getting out."⁵²

Claimant also took full advantage of educational and vocational programs while in prison. He has completed many

⁴⁶ *Id.* at 3; See also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:31:50.

⁴⁷ *Id.* at 3.

⁴⁸ *Id.*

⁴⁹ *Id.* at 21.

⁵⁰ Special Master Hearing (Nov. 27, 2023), Testimony of Sidney L. Holmes at 2:49:45-2:50:00.

⁵¹ Conviction Review Unit Final Memorandum, p. 23, (Feb. 20, 2023); see also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:27:30.

⁵² Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:29:00.

certifications, including certifications in theology and has become a paralegal.⁵³

Conclusion

In conclusion, the CRU determined that there is reasonable doubt that claimant committed this crime, that it is “highly likely” that claimant is innocent, and that Broward County would not put claimant on trial for this crime today.⁵⁴ Although the State Attorney’s Office usually stays neutral concerning legislative claims bills, there is “no doubt at all” as to claimant’s innocence, and thus, State Attorney Harold Pryor and the State Attorney’s Office “fully supports” claimant in filing this bill.⁵⁵ On March 13, 2023, the court granted the state’s Motion to Vacate Judgment and Sentence.

CONCLUSIONS OF LAW:

Wrongful Incarceration under Chapter 961

Chapter 961, of the Florida Statutes, governs the general process for compensating victims of wrongful incarceration. The chapter requires a person claiming to be a victim of wrongful incarceration to prove that he or she is actually innocent of the crime and meet other criteria, such as not having been previously convicted of a violent felony offense or more than one nonviolent felony offense. A person who is wrongfully incarcerated is entitled to receive \$50,000 for each year of wrongful incarceration, which is prorated as necessary.⁵⁶ Any such individual may also receive a waiver of tuition and fees for up to 120 hours of instruction at a career center, Florida College System institution, or any state university;⁵⁷ as well as reimbursement of fines, fees and court costs paid,⁵⁸ and reasonable attorney’s fees and expenses incurred.⁵⁹ The total amount awarded may not exceed \$2 million.⁶⁰

⁵³ *Id.* at 1:28:00.

⁵⁴ *Id.* at 1:32:50.

⁵⁵ *Id.* 1:35:45-1:36:25.

⁵⁶ Section 961.06(1)(a), F.S. The amount of \$50,000 per year of wrongful incarceration may be adjusted to account for inflation for those wrongfully incarcerated after December 31, 2008. *Id.*

⁵⁷ Section 961.06(1)(b), F.S.

⁵⁸ Section 961.06(1)(c), F.S.

⁵⁹ Section 961.06(1)(d), F.S.

⁶⁰ Section 961.06(1), F.S.

Having been previously convicted for the 1984 robberies, the claimant did not seek relief under chapter 961, of the Florida Statutes, because he had prior convictions for unrelated felonies.

Evidentiary Standard for Victims of Wrongful Incarceration

Generally, a claimant seeking tort damages under a claim bill must prove entitlement to relief by a preponderance of the evidence – that is, more likely than not. When a claimant seeks a claim bill for wrongful incarceration, he or she must demonstrate actual innocence, but the appropriate burden of proof is not well-established.

When the Legislature created chapter 961, of the Florida Statutes, in 2008, establishing a statutory proceeding to compensate victims of wrongful incarceration, it included a requirement that the claimant demonstrate “actual innocence” by clear and convincing evidence before an administrative law judge. In addition, a person seeking compensation as provided in the statutory framework, could not have had any other felony conviction, other than the conviction for which he or she was wrongfully incarcerated.

Since the law was created, three individuals have received relief through a claim bill for wrongful incarceration: William Dillon in 2011,⁶¹ Clifford Williams in 2020⁶² and Robert Earl Duboise in 2023.⁶³ In those cases, the Special Masters applied a “clear and convincing” standard. This standard is an intermediate burden of proof requiring that the evidence is “precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue.”⁶⁴ This standard also requires “that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue.”⁶⁵

⁶¹ See Senate Bill 46 (2011).

⁶² See Senate Bill 28 (2020).

⁶³ See Senate Bill 62 (2023).

⁶⁴ Florida Standard Jury Instructions in Civil Cases, No. 405.4, *available at* <https://supremecourt.flcourts.gov/content/download/243071/file/entire-Documents.pdf> (last visited February 13, 2025).

⁶⁵ *Slomowitz v. Walker*, 429 So.2d 797, 800, (4th DCA 1983).

The Legislature is not bound by a previous Legislature's application of the clear and convincing standard. However, the Legislature's previous application of that standard, coupled with the Legislature's requirement of that same standard for a person claiming to be a victim of wrongful incarceration under chapter 961, of the Florida Statutes, demonstrates that this standard is the appropriate standard for wrongful incarceration cases.

Because the Legislature has demonstrated an intent to hold persons claiming to be victims of wrongful incarceration to this higher evidentiary standard, I find that the clear and convincing standard shall apply.

Conclusions Based upon Findings of Fact and Clear and Convincing Evidence

The conviction of the claimant was based primarily on the eyewitness account and identification of Vincent Wright and the civilian investigation completed by Milton Wright, who was not even at the scene of the crime. There is no physical evidence tying the claimant to the crime. The state failed to show that claimant's car ever had a hole in the trunk, only that claimant owned a similar car to the one driven by the actual perpetrator. Without Milton Wright's identification of claimant's vehicle, the claimant never would have become a suspect. This is further emphasized by the ubiquity of the model of car driven by the alleged perpetrator and the claimant.

Additionally, Vincent Wright did not identify claimant in the first lineup he was shown that contained the claimant. However, he did identify claimant in subsequent lineups. With the expert testimony regarding eyewitness reliability and the problems with the practices and procedures surrounding the multiple lineups, it is highly likely that the claimant was misidentified and should not have stood trial in the first place. Further, even if he had been a suspect, the Seventeenth Judicial Circuit would choose not to charge claimant if the case were presented today.

Six alibi witnesses of the claimant all stated he was with them at the Father's Day celebration on June 19, 1988. In 2022, all five of the witnesses that were re-interviewed maintained their claims that claimant was with them all day and that he did not

leave the house. While they misremembered details of the day, for example, whether they were riding a go-kart or a dirt bike, or what color the go-kart may have been, they all remained steadfast in their overall statements. As provided by the expert witnesses, these small, misremembered details amongst the alibi witnesses are normal and tend to display a more truthful testimony.

During her testimony at the Special Master Hearing on November 27, 2023, Assistant State Attorney Arielle Demby Berger stated that the position of the Broward State Attorney's Office is that it "fully support[s] it (the claims bill). We're not staying neutral. This is what our office did by agreeing to vacate the conviction based on *actual innocence*."⁶⁶ (emphasis added).

Given the evidence provided during the claim bill process which includes the Motion for Post-Conviction Relief and to Vacate Judgments, Convictions, and Sentences, the Amended Order Vacating Judgments, Convictions, and Sentences, the testimony of the claimant, the expert reports and their findings of multiple issues showing an increase in the probability of unreliable identification and the unequivocal assertion by the CRU that the claimant is actually innocent, the undersigned finds that the claimant has demonstrated actual innocence by clear and convincing evidence.

The claimant was wrongfully incarcerated for 34 years, 5 months and 7 days. At the statutory amount of \$50,000 per year of wrongful incarceration, the sum of \$1,722,000 appears correct.

ATTORNEY FEES:

The instant claim bill does not allow for any funds awarded to claimant to be used toward attorney or lobbying fees related to this claim. Attorneys for IPF representing claimant have also submitted an affidavit stating that all representation is *pro bono* and that no fees awarded will go toward any attorney or lobbying fees.⁶⁷

⁶⁶ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:35:40-1:36:25.

⁶⁷ Miller, Seth, Aff., ¶ 5, (September 15, 2023).

RECOMMENDATIONS:

Based upon the evidence submitted prior to and during the special master hearing, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence. There is clear and convincing evidence that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice, and the relief sought is reasonable. Based upon the foregoing, the undersigned recommends SB 10 be reported FAVORABLY.

Respectfully submitted,

Nathan L. Bond

Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute no longer includes provisions from the original bill that would have waived the standard requirement that the recipient of a claim bill execute a release of all liability as a condition of payment of the claim bill proceeds. The amendment also removes from the bill provisions that would allow this claimant to pursue new or additional responsible parties. With this amendment, the bill's provisions are consistent with past claim bills awarding damages for wrongful incarceration.

By the Committee on Criminal Justice; and Senators Berman, Rodriguez, DiCeglie, Pizzo, Smith, and Garcia

591-03141-25

2025240c1

A bill to be entitled

An act relating to victims of domestic violence and dating violence; defining terms; requiring the Division of Telecommunications within the Department of Management Services to consult with certain entities to conduct a feasibility study regarding a specified alert system; providing requirements for such alert system; requiring the division to report to the Legislature the results of the feasibility study by a specified date; amending s. 741.401, F.S.; revising legislative findings to include victims of dating violence; reordering and amending s. 741.402, F.S.; defining the term "dating violence"; amending s. 741.403, F.S.; authorizing victims of dating violence to apply to participate in the Attorney General's address confidentiality program; amending s. 741.408, F.S.; requiring the Attorney General to designate certain entities to assist victims of dating violence applying to be address confidentiality program participants; amending ss. 741.4651 and 960.001, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Domestic and dating violence 911 alert system feasibility study.-

(1) As used in this section, the term:

(a) "Division" means the Division of Telecommunications

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-03141-25

2025240c1

within the Department of Management Services.

(b) "Enhanced 911" has the same meaning as in s.

365.172(3), Florida Statutes.

(c) "Next Generation 911" has the same meaning as in s.

365.172(3), Florida Statutes.

(d) "Public safety agency" has the same meaning as in s.

365.172(3), Florida Statutes.

(e) "Public safety answering point" or "PSAP" has the same meaning as in s. 365.172(3), Florida Statutes.

(2) The division shall consult with enhanced 911 and Next Generation 911 service providers; state, county, and municipal PSAPs; and state and local public safety agencies to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence which is capable of:

(a) Ensuring real-time data-sharing between PSAPs and law enforcement agencies.

(b) Creating a unique telephone number for each user which will connect the user to a PSAP.

(c) Creating a user-generated numerical code or phrase that can be utilized by the user after contacting a PSAP which indicates the user's need for immediate law enforcement assistance.

(d) Transmitting specified data to law enforcement agencies when a user calls from his or her unique telephone number and enters his or her numerical code or phrase.

(3) By January 31, 2026, the division must report to the President of the Senate and the Speaker of the House of Representatives the results of the feasibility study.

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-03141-25

2025240c1

Section 2. Section 741.401, Florida Statutes, is amended to read:

741.401 Legislative findings; purpose.—The Legislature finds that persons attempting to escape from actual or threatened domestic violence or dating violence frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of ss. 741.401-741.409 is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence or dating violence, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic violence and dating violence, and to enable state and local agencies to accept a program participant's use of an address designated by the Attorney General as a substitute mailing address.

Section 3. Section 741.402, Florida Statutes, is reordered and amended to read:

741.402 Definitions; ss. 741.401-741.409.—Unless the context clearly requires otherwise, as used in ss. 741.401-741.409, the term:

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under ss. 741.401-741.409.

~~(4)(2)~~ "Program participant" means a person certified as a program participant under s. 741.403.

(2) "Dating violence" means an assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment,

591-03141-25

2025240c1

or any criminal offense resulting in physical injury or death, or the threat of any such act, committed by an individual who has or has had a continuing and significant relationship of a romantic or intimate nature as determined by the factors listed in s. 784.046(1)(d) with the victim, regardless of whether these acts or threats have been reported to law enforcement officers.

(3) "Domestic violence" means an act as defined in s. 741.28 and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

Section 4. Paragraphs (a) and (d) of subsection (1) of section 741.403, Florida Statutes, are amended to read:

741.403 Address confidentiality program; application; certification.—

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated under chapter 744 may apply to the Attorney General to have an address designated by the Attorney General serve as the person's address or the address of the minor or incapacitated person. To the extent possible within funds appropriated for this purpose, the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains all of the following:

(a) A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence or dating violence, and that the applicant fears for his or her safety or his or her children's

591-03141-25 2025240c1

117 safety or the safety of the minor or incapacitated person on
118 whose behalf the application is made.

119 (d) A statement that the new address or addresses that the
120 applicant requests must not be disclosed for the reason that
121 disclosure will increase the risk of domestic violence or dating
122 violence.

123 Section 5. Section 741.408, Florida Statutes, is amended to
124 read:

125 741.408 Assistance for program applicants.—The Attorney
126 General shall designate state and local agencies and nonprofit
127 agencies that provide counseling and shelter services to victims
128 of domestic violence and dating violence to assist persons
129 applying to be program participants. Assistance and counseling
130 rendered by the Office of the Attorney General or its designees
131 to applicants does not constitute legal advice.

132 Section 6. Section 741.4651, Florida Statutes, is amended
133 to read:

134 741.4651 Public records exemption; victims of stalking or
135 aggravated stalking.—The names, addresses, and telephone numbers
136 of persons who are victims of stalking or aggravated stalking
137 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
138 Constitution in the same manner that the names, addresses, and
139 telephone numbers of participants in the Address Confidentiality
140 Program for Victims of Domestic and Dating Violence which are
141 held by the Attorney General under s. 741.465 are exempt from
142 disclosure, provided that the victim files a sworn statement of
143 stalking with the Office of the Attorney General and otherwise
144 complies with the procedures in ss. 741.401-741.409.

145 Section 7. Paragraph (c) of subsection (1) of section

591-03141-25 2025240c1

146 960.001, Florida Statutes, is amended to read:

147 960.001 Guidelines for fair treatment of victims and
148 witnesses in the criminal justice and juvenile justice systems.—

149 (1) The Department of Legal Affairs, the state attorneys,
150 the Department of Corrections, the Department of Juvenile
151 Justice, the Florida Commission on Offender Review, the State
152 Courts Administrator and circuit court administrators, the
153 Department of Law Enforcement, and every sheriff's department,
154 police department, or other law enforcement agency as defined in
155 s. 943.10(4) shall develop and implement guidelines for the use
156 of their respective agencies, which guidelines are consistent
157 with the purposes of this act and s. 16(b), Art. I of the State
158 Constitution and are designed to implement s. 16(b), Art. I of
159 the State Constitution and to achieve the following objectives:

160 (c) *Information concerning protection available to victim*
161 *or witness.*—A victim or witness shall be furnished, as a matter
162 of course, with information on steps that are available to law
163 enforcement officers and state attorneys to protect victims and
164 witnesses from intimidation. Victims of domestic violence and
165 dating violence shall also be given information about the
166 address confidentiality program provided under s. 741.403.

167 Section 8. This act shall take effect July 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 240
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #240**, relating to Victims of Domestic Violence and Dating Violence, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, reading "Lori Berman", followed by a long horizontal line.

Senator Lori Berman
Florida Senate, District 26

4/10/25 11 am

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB240

Bill Number or Topic

Criminal + Civil Justice

Committee

Amendment Barcode (if applicable)

Name Alexandra Rothman

Phone 858. 951-7725

Address 3400 da Bainbridge Road 201

Email ajr23y@fsu.edu

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/20/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 240

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

S Approps ONT Crim. Justice

Committee

Amendment Barcode (if applicable)

Name

Katie J. Bonnett ("Bow-Net")

Phone

850.339.9599

Address

1273 Seminole Dr

Email

kbonnett@stateandjustice.org

Street

Tallahassee, FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

~~XXXXXX~~

Alliance for
Safety & Justice

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, we may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04/10/25
Meeting Date

SB 240
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Amy Trask

Phone 352-815-7393

Address 8852 SW 25 Rd
Street

Email amyjay024@outlook.com

Gainesville
City

FL
State

32608
Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

4-10-25

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

240

Committee

Appro Cr. Justice ...

Amendment Barcode (if applicable)

Name

Barbara Delane

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking:

☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL NOW

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/25
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 240
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Juan Pablo Chaver Phone 727 - 238-1931

Address 8040 Tantallon Way Email Juanpablo@safeandjust.org
Street

Trinity FL 34655
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Crime Survivors for Safety & Justice

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 240

INTRODUCER: Criminal Justice Committee and Senator Berman and others

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.	Atchley	Harkness	ACJ	Favorable
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 240 requires the Department of Management Services to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence. The bill defines terms, establishes system capability requirements, and reporting requirements for such study.

Additionally, the bill authorizes a victim of dating violence to apply to participate in the Address Confidentiality Program within the Office of the Attorney General and requires designated state and local entities that provide counseling and shelter services to victims of domestic violence to provide those services to victims of dating violence as well.

The bill has an insignificant negative impact to state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It can happen at any age, but young women are most likely to experience dating violence. More

than four in 10 college women have experienced violence or abuse in a dating relationship and up to 19 percent of teens experience dating violence.¹

Domestic Violence

In 2020, 106,615 crimes of domestic violence were reported to Florida law enforcement agencies, resulting in 63,217 arrests.² Of those 106,615 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 20,735 were spousal;³
- 29,663 were co-habitants;⁴ and
- 20,142 were other.⁵

Dating Violence

Section 784.046, F.S., provides the following “dating violence” means:⁶

- Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship shall be determined based on the consideration of the following factors:
 - A dating relationship must have existed within the past 6 months;
 - The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
 - The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

“Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.⁷

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and

¹ Break the Cycle, *Teen Dating Violence Statistics 2024* (January 3, 2025), available at: <https://www.breakthecycle.org/teen-dating-violence-statistics/> (last visited March 25, 2025).

² Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (Last visited March 27, 2025).

³ Florida Department of Law Enforcement, *Domestic Violence, Victim to Offender Relationships*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (Last visited March 27, 2025). Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

⁴ *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

⁵ *Id.* Other means the victim and offender had a child together but were never married and never lived together.

⁶ Section 784.046(1)(d), F.S.

⁷ Section 784.046(1)(a), F.S.

who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.⁸

Domestic Violence Investigations

Section 741.29, F.S., provides domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;⁹
- Advise the victim that there is a domestic violence center from which the victim may receive services;¹⁰
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;¹¹
- Give the victim immediate notice of the legal rights and remedies available;¹²
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.¹³ Such report must include:
 - A description of physical injuries observed, if any.
 - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
 - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.^{14, 15}

⁸ Section 784.046(2)(b), F.S.

⁹ Section 741.29(1)(a), F.S.

¹⁰ Section 741.29(1)(b), F.S.

¹¹ Section 741.29(1)(c), F.S.

¹² Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

¹³ Section 741.29 (3), F.S.

¹⁴ Section 741.29(4), F.S.

¹⁵ Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

Domestic Violence Training

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Address Confidentiality Program

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address¹⁶ designated by the Attorney General to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.¹⁷

Application Process and Certification

A person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated may apply to the Attorney General to participate in the Address Confidentiality Program and acquire a substitute address. Funding permitting, the Attorney General shall approve an application if it is filed with the Attorney General's Office in the manner and on the form prescribed by the Attorney General¹⁸ and contains all of the following:

- A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.
- A designation that the Attorney General shall serve as the applicant's agent for purposes of service of process and for the purpose of receipt of mail.
- The mailing address and phone number or numbers where the applicant can be contacted by the Attorney General.
- A statement that the substitute address or addresses that the applicant requests will not be disclosed.
- The signature of the applicant and of any individual or representative of any office who assisted in the preparation of the application,¹⁹ and the date on which the applicant signed the application.²⁰

¹⁶ "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant. Section 741.402(1), F.S.

¹⁷ Section. 741.401, F.S.

¹⁸ An application fee may not be charged. Section 741.403(2), F.S.

¹⁹ The Attorney General is required to designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to become program participants. Section 741.408, F.S.

²⁰ Section 741.403(1), F.S.

Upon receipt of a properly filed complete application, the Attorney General must certify the applicant as a program participant. Applicants are certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.²¹ A program participant will have his or her certification withdrawn if he or she:

- Obtains a name change; or
- Applies to become a program participant using false information.²²

Additionally, a program participant may have his or her certification cancelled if:

- He or she changes his or her residential address from the one listed on his or her program application, unless he or she provides the Attorney General with 14 days' prior notice of the change of address.
- Mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.^{23, 24}

Agency Use of Substitute Address

After obtaining certification as a program participant, such participant may request that state and local agencies or other governmental entities use the substitute address provided by the Attorney General as his or her address.²⁵ When creating a new public record, state and local agencies or other governmental entities shall accept the participant's substitute address, unless the Attorney General has determined that:

- The agency or entity has a bona fide statutory or administrative requirement for the use of the participant's actual address which would normally be confidential under the program;
- The participant's actual address will only be used for those statutory and administrative purposes;
- The agency or entity has identified the specific program participant's record for which the waiver is requested;
- The agency or entity has identified the individuals who will have access to the record; and,
- The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligations by a change in its internal procedures.²⁶

The agency or entity is required to use the substitute address of the participant until such time as the Attorney General makes all the required findings for a waiver.²⁷ If the Attorney General determines that a waiver is permitted, the Attorney General must notify and require the agency or entity to:

- Maintain the confidentiality of a program participant's actual address information;
- Limit the use of and access to that address;

²¹ Section 741.403(3), F.S.

²² Section 741.404(1) and (4), F.S.

²³ Section 741.404(2) and (3), F.S.

²⁴ The Attorney General's Office must forward all first-class mail to a program participant at no charge.

Section 741.405(8), F.S.

²⁵ A program participant may use his or her designated substitute address as his or her work address. Section 741.405(7), F.S.

²⁶ Section 741.405(1), F.S.

²⁷ Section 741.405(2), F.S.

- Designate an address disposition date after which the agency or entity may no longer maintain the record of the actual address; and,
- Comply with any other provisions and qualifications determined appropriate by the Attorney General.²⁸

Supervisor of Elections Use of Substitute Address

A program participant who is otherwise qualified to vote may request a vote-by-mail ballot. The program participant will automatically receive vote-by-mail ballots for all elections in the jurisdictions in which he or she resides, in the same manner as vote-by-mail voters, at the participant's actual address designated in his or her program application. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.²⁹

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.³⁰ The Emergency Communications Act prohibits the misuse of the 911, E911,³¹ and NG911³² systems.

Since 1974, Florida law has designated "911" as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.^{33, 34} In 1999, the concept of "Enhanced 911" or "E911" service was established in Florida law to describe 911 service provided to wireless telephone users.³⁵ Today, under the Emergency Communications Number E911 Act,³⁶ the term "E911," as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services³⁷ with 911 service.

²⁸ Section 741.405(4), F.S.

²⁹ Section 741.406, F.S.

³⁰ Section 365.172(2)(a)-(b), F.S.

³¹ "Enhanced 911" or "E911" means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

³² "Next Generation 911" or "NG911" means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

³³ Chapter 74-357, L.O.F.

³⁴ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

³⁵ Chapter 99-367, L.O.F.

³⁶ Chapter 2007-78, L.O.F.

³⁷ "Voice communications services" means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules

E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.³⁸ PSAPs receiving incoming 911 requests for assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.³⁹

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.⁴⁰

Statewide Emergency Communications Plan

The Division of Telecommunications (Division) within the Department of Management Services (DMS) is responsible for developing, maintaining, and implementing a statewide emergency communications plan. The plan must include:

- The public agency⁴¹ emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.⁴²

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.⁴³

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.⁴⁴ No emergency communications number E911 system can be established and no present system can be expanded without prior approval of the Division.⁴⁵

adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service.

Section 365.172(3)(ee), F.S.

³⁸ Section 365.172(3)(i), F.S.

³⁹ Section 365.172(3)(aa), F.S.

⁴⁰ *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited Mar. 6, 2025).

⁴¹ "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

⁴² Section 365.171(4), F.S.

⁴³ *Id.*

⁴⁴ Section 365.171(5), F.S.

⁴⁵ Section 365.171(9), F.S.

III. Effect of Proposed Changes:

The bill provides definitions for “division,” “enhanced 911,” “next generation 911,” “public safety agency,” and “public safety answering point (PSAP).”

The bill requires the Division of Telecommunications within the Department of Management Services (Division) to consult with Enhanced 911 and Next Generation 911 service providers; state, county and municipal PSAPs; and state and local public safety agencies to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence which is capable of:

- Ensuring real-time data-sharing between PSAPs and law enforcement agencies;
- Creating a unique telephone number for each user which will connect the user to a PSAP;
- Creating a user-generated numerical code or phrase that can be utilized by the user after contacting a PSAP which indicates the user’s need for immediate law enforcement assistance; and,
- Transmitting specified data to law enforcement agencies when a user calls from his or her unique telephone number and enters his or her numerical code or phrase.

The division is required to report the results of the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 31, 2026.

The bill amends s. 741.402, F.S., to define “dating violence” to mean an assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death, or the threat of any such act, committed by an individual who has or has had a continuing and significant relationship of a romantic or intimate nature as determined pursuant to s. 784.046(1)(d), F.S., with the victim, regardless of whether these acts or threats have been reported to law enforcement officers.

Further, the bill amends s. 741.403, F.S., to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program. The bill amends s. 741.408, F.S., to require the designated state and local entities that provide counseling and shelter services to victims of domestic violence, to apply for victims of dating violence.

The bill amends s. 741.4651, F.S., relating to public records exemptions for victims of stalking or aggravated stalking to specify that certain public records are confidential and exempt in the same manner as participants in the Address Confidentiality Program for Victims of Domestic *and Dating Violence*. Further, the bill amends s. 960.001, F.S. to require victims of dating violence to be given information about the address confidentiality program.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the 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:

If the bill's intention is to expand the public records exemption to apply to victims of dating violence, the following are required:

- **Vote Requirement:** Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill may expand an exemption for records pertaining to victims of dating violence; therefore, the bill requires a two-thirds vote of each chamber for enactment.
- **Public Necessity Statement:** Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill does not contain a statement of public necessity for the exemption.
- **Breadth of Exemption:** Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of dating violence, and the bill exempts only records pertaining to those persons from the public records requirements.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill appears to expand a public records exemption by allowing victims of dating violence to participate in the Address Confidentiality Program for Victims of Domestic Violence under s. 741.403, F.S.⁴⁶

Because victims of dating violence are allowed into the address program, it appears that either:

⁴⁶ SB 240 amended language in s. 741.465, F.S., that would allow a victim of dating violence participating in the address confidentiality program to have their information be confidential and held exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. However, CS/SB 240 removes this exemption but does not differentiate between an address confidentiality program for domestic violence, and one for dating violence.

- The public records exemption is being expanded and would require a separate public records bill containing a public necessity statement, and would require a two-thirds vote for passage; or,
- The public record exemption does not apply to such victims, and in which case, may cause confusion as to what records may or may not be released.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the Division to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence. The costs of the feasibility study may be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 741.401, 741.402, 741.403, 741.408, 741.4651, and 960.001.

This bill creates an undesignated section of the Florida law.

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:

This Committee Substitute:

- Removes language creating the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study and: defines terms; requires the Division of Telecommunications within the Department of Management Services to consult with

specified agencies to conduct such feasibility study regarding the creation of a web-based 911 alert system for victims of domestic and dating violence with certain capabilities; and provides a reporting requirement.

- Amends s. 741.402, F.S., to define “dating violence” in s. 741.402, F.S., and amends the address confidentiality program under the Office of the Attorney General, to allow victims of dating violence to be eligible and extend the public records exemption therein.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Leek

591-02820-25

2025494c1

1 A bill to be entitled
 2 An act relating to aggravated animal cruelty;
 3 providing a short title; amending s. 828.12, F.S.;
 4 requiring the Department of Law Enforcement to post on
 5 its website the names of certain individuals who have
 6 violated specified animal cruelty provisions; amending
 7 s. 921.0024, F.S.; providing a sentencing multiplier
 8 for specified offenses of aggravated animal cruelty;
 9 providing applicability; providing an effective date.

10 Be It Enacted by the Legislature of the State of Florida:

11 Section 1. This act may be cited as "Dexter's Law."
 12 Section 2. Subsection (7) is added to section 828.12,
 13 Florida Statutes, to read:
 14 828.12 Cruelty to animals.—
 15 (7) Beginning January 1, 2026, the Department of Law
 16 Enforcement shall post on its website, in a searchable format
 17 prescribed by the department, the names of those individuals who
 18 have been convicted of, or who have entered a plea of guilty or
 19 nolo contendere to, regardless of adjudication, a violation of
 20 this section.

21 Section 3. Subsection (1) of section 921.0024, Florida
 22 Statutes, is amended to read:
 23 921.0024 Criminal Punishment Code; worksheet computations;
 24 scoresheets.—
 25 (1)(a) The Criminal Punishment Code worksheet is used to
 26 compute the subtotal and total sentence points as follows:
 27
 28
 29

Page 1 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02820-25

2025494c1

30 FLORIDA CRIMINAL PUNISHMENT CODE
 31 WORKSHEET
 32
 33 OFFENSE SCORE
 34
 35 Primary Offense

Level	Sentence Points		Total
10	116	=	.....
9	92	=	.....
8	74	=	.....
7	56	=	.....
6	36	=	.....
5	28	=	.....
4	22	=	.....
3	16	=	.....
2	10	=	.....
1	4	=	.....

36
37
38
39
40
41
42
43
44
45
46

Page 2 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02820-25

2025494c1

47

48

49

50

51

Additional Offenses

52

53

54

55

56

57

58

59

60

61

Level	Sentence Points		Counts		Total
10	58	x	....	=	....
9	46	x	....	=	....
8	37	x	....	=	....
7	28	x	....	=	....
6	18	x	....	=	....
5	5.4	x	....	=	....
4	3.6	x	....	=	....
3	2.4	x	....	=	....
2	1.2	x	....	=	....
1	0.7	x	....	=	....

Total

Page 3 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02820-25

2025494c1

62

63

64

65

66

67

68

69

70

71

72

73

74

75

M	0.2	x	....	=	....
Total					
Victim Injury					
Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	....	=	....
Death	120	x	....	=	....
Severe	40	x	....	=	....
Moderate	18	x	....	=	....
Slight	4	x	....	=	....
Sexual penetration	80	x	....	=	....

Page 4 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02820-25 2025494c1

Sexual
contact 40 x = ...

Total

$$\text{Primary Offense} + \text{Additional Offenses} + \text{Victim Injury} = \text{TOTAL OFFENSE SCORE}$$

PRIOR RECORD SCORE

Prior Record

Level	Sentence	Points	Number			Total
10	29	x	....	=	....	
9	23	x	....	=	....	
8	19	x	....	=	....	
7	14	x	....	=	....	
6	9	x	....	=	....	
5	3.6	x	....	=	....	

591-02820-25 2025494c1

$$4 \times 2.4 \times \dots = \dots$$
$$3 \quad 1.6 \quad \times \quad \dots = \dots$$
$$2 \quad 0.8 \quad \times \quad \dots = \dots$$

1 0.5 x = ...

$$M \quad 0.2 \quad x \quad \dots = \dots$$

Total

TOTAL OFFENSE SCORE

TOTAL PRIOR RECORD SCORE

LEGAL STATUS

COMMUNITY SANCTION VIOLATION

PRIOR SERIOUS FELONY

PRIOR CAPITAL FELONY

FIREARM OR SEMIAUTOMATIC WEAPON

SUBTOTAL.....

PRISON RELEASEE REOFFENDER (no) (yes)

VIOLENT CAREER CRIMINAL (no) (yes)

HABITUAL VIOLENT OFFENDER (no) (yes)

HABITUAL OFFENDER (no) (yes)

591-02820-25 2025494c1

115 AGGRAVATED ANIMAL CRUELTY (no)(yes) (x multiplier)
 116 DRUG TRAFFICKER (no)(yes) (x multiplier)
 117 LAW ENF. PROTECT. (no)(yes) (x multiplier)
 118 MOTOR VEHICLE THEFT (no)(yes) (x multiplier)
 119 CRIMINAL GANG OFFENSE (no)(yes) (x multiplier)
 120 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes)
 121 (x multiplier).....
 122 ADULT-ON-MINOR SEX OFFENSE (no)(yes) (x multiplier)
 123
 124 TOTAL SENTENCE POINTS.....
 125

(b) WORKSHEET KEY:

127
 128 Legal status points are assessed when any form of legal status
 129 existed at the time the offender committed an offense before the
 130 court for sentencing. Four (4) sentence points are assessed for
 131 an offender's legal status.
 132

133 Community sanction violation points are assessed when a
 134 community sanction violation is before the court for sentencing.
 135 Six (6) sentence points are assessed for each community sanction
 136 violation and each successive community sanction violation,
 137 unless any of the following apply:

138 1. If the community sanction violation includes a new
 139 felony conviction before the sentencing court, twelve (12)
 140 community sanction violation points are assessed for the
 141 violation, and for each successive community sanction violation
 142 involving a new felony conviction.

143 2. If the community sanction violation is committed by a

591-02820-25 2025494c1

144 violent felony offender of special concern as defined in s.
 145 948.06:

146 a. Twelve (12) community sanction violation points are
 147 assessed for the violation and for each successive violation of
 148 felony probation or community control where:

149 I. The violation does not include a new felony conviction;
 150 and

151 II. The community sanction violation is not based solely on
 152 the probationer or offender's failure to pay costs or fines or
 153 make restitution payments.

154 b. Twenty-four (24) community sanction violation points are
 155 assessed for the violation and for each successive violation of
 156 felony probation or community control where the violation
 157 includes a new felony conviction.

158
 159 Multiple counts of community sanction violations before the
 160 sentencing court shall not be a basis for multiplying the
 161 assessment of community sanction violation points.
 162

163 Prior serious felony points: If the offender has a primary
 164 offense or any additional offense ranked in level 8, level 9, or
 165 level 10, and one or more prior serious felonies, a single
 166 assessment of thirty (30) points shall be added. For purposes of
 167 this section, a prior serious felony is an offense in the
 168 offender's prior record that is ranked in level 8, level 9, or
 169 level 10 under s. 921.0022 or s. 921.0023 and for which the
 170 offender is serving a sentence of confinement, supervision, or
 171 other sanction or for which the offender's date of release from
 172 confinement, supervision, or other sanction, whichever is later,

591-02820-25

2025494c1

is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001, an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001, an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

591-02820-25

2025494c1

Aggravated Animal Cruelty: If the primary offense is aggravated animal cruelty under s. 828.12(2), which included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal, the subtotal sentence points are multiplied by 1.25. As used in this paragraph, the term "animal" does not include an animal used for agricultural purposes or permitted as captive wildlife as authorized under s. 379.303.

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Violent offenses committed against specified justice system personnel: If the primary offense is a violation of s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of

591-02820-25

2025494c1

the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s.

Page 11 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02820-25

2025494c1

847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 4. This act shall take effect July 1, 2025.

Page 12 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 494
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE			Amendment 510562 4/10/2025 Martin		Motion to vote "YEA" after Roll Call 4/10/2025 Simon			
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
X		Osgood						
X		Polsky						
X		Rouson						
VA		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
8	0	TOTALS	-	WD	FAV	-		
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **Senate Bill #494**, relating to Animal Cruelty, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Leek", is written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

APPEARANCE RECORD

494

4/10/2025

Meeting Date

Bill Number or Topic

Approps on Criminal + Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Lilly Baron-SPCA of Ocala

Phone

352-644-1317

Address

12571 NE 30TH CT

Email

spcaocala@gmail.com

Street

ANTHONY FL 32617

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/10/2025

Meeting Date

ACJ

Committee

494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Matt McClain

Phone

352-274-8789

Address

22 Walnut Trl

Email

Matthew.McClain@msn.com

Street

GCL

City

FL

State

34480

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

4/10/25

494

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Approps on Criminal & Civil Justice
Committee

Amendment Barcode (if applicable)

Name Liz McCauley - Cape Coral Animal Shelter Phone 239-850-2020Address 325 SW 2nd Ave Email liz@capecoralanimalshelter.com
StreetCape Coral FL 33991
City State Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Meeting Date

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/10/25
Meeting Date

Criminal Justice
Committee

JB 494
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bill Gladson, State Attorney 5th Circuit Phone 352 671-5900

Address 110 NW 1st Ave Email wgladson@saoj.org
Street

Ocala FL 34475
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/25

The Florida Senate
APPEARANCE RECORD

SB 494

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Approps Criminal + Civil J.
Committee

Amendment Barcode (if applicable)

Name Kate Macfall

Phone 850 508 1001

Address 1204 Walton Dr.
Street

Email kmacfalle@sus.org

Tallahassee
City

Fl.
State

32312
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Humane Society of the United States

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



510562

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Martin) recommended the following:

Senate Amendment (with title amendment)

Delete line 13
and insert:

Section 1. Part III of chapter 585, Florida Statutes,
consisting of ss. 585.71-585.717, Florida Statutes, is created
and entitled "Dog Breeding."

Section 2. Section 585.71, Florida Statutes, is created to
read:

585.71 Legislative findings and intent.-



510562

(1) The Legislature finds that:

(a) Breeding dogs for profit with no regard for the condition in which the dogs live or how they are cared for is an act of animal cruelty.

(b) The registration of individuals or corporations that breed dogs for profit is necessary to prevent the cruel treatment of dogs, to prevent bred dogs that end up in shelters from being euthanized at a financial cost to local and state governments, and to prevent the emotional suffering of individuals and families that experience the unethical and bad business practices of some dog breeders.

(2) It is the intent of the Legislature to require any individual or corporation that breeds dogs for profit to register with the Department of Agriculture and Consumer Services and for dog breeding facilities to be inspected by the department to ensure that quality standards are met and that only qualified individuals and facilities are authorized to breed dogs, with a goal of reducing the number of sick and unwanted dogs in this state.

Section 3. Section 585.711, Florida Statutes, is created to read:

585.711 Definitions.—As used in this part, the term:

(1) "Breeding female dog" means a dog that has not been spayed, is more than 6 months old, and is capable of reproduction.

(2) "Certificate of inspection" means an official document issued by the department to a dog breeding facility stipulating compliance with this part and any department rules.

(3) "Certificate of registration" means an official



510562

document issued by the department to a dog breeder as evidence of being properly registered with the department in compliance with this part and any department rules.

(4) "Consideration" means anything of value, including, but not limited to, cash, credit, electronic transfer, services, or any type of or interest in property.

(5) "Department" means the Department of Agriculture and Consumer Services.

(6) "Dog breeder" means a person who owns or possesses a breeding female dog and offers dogs bred from the breeding female dog for sale or exchange in return for consideration.

(7) "Dog breeding facility" means any location in which a dog breeder has at least one breeding female dog.

(8) "Federal regulations" means the federal Animal Welfare Act, 9 C.F.R. part 3, subpart A.

(9) "Transfer" means a transaction in which, for consideration, a dog is exchanged, offered to be exchanged, or advertised for a commercial purpose.

Section 4. Section 585.712, Florida Statutes, is created to read:

585.712 Construction; presumption of use for dog breeding.—

(1) The authority of the department to regulate and inspect dog breeders and breeding facilities does not preempt local governmental entities from placing more restrictive conditions on such facilities.

(2) For the purposes of this part, each breeding female dog possessed by a dog breeder is presumed to be used for breeding purposes unless the person establishes to the satisfaction of the department, based on the dog breeder's breeding records or



510562

other evidence reasonably acceptable to the department, that the dog is not used for breeding.

Section 5. Section 585.713, Florida Statutes, is created to read:

585.713 Certificates of registration and inspection.—

(1) Each dog breeder within this state must apply to the department, on forms supplied by the department, for a certificate of registration.

(2) The certificate of registration, the structure of which shall be determined by the department, must be renewed annually by its anniversary date upon satisfactory showing that the applicant has complied with this part and the rules of the department.

(3) The department shall provide to each dog breeder subject to this section a written notice and renewal form 60 days before the annual renewal date, informing the dog breeder of the certificate of registration renewal date.

(4) The department may assess penalties for late filing, not to exceed \$500. Upon application before the renewal date, the department may, for good cause, such as natural disasters, hardship cases, or unusual circumstances, supported by written documentation, extend the renewal date without penalty for up to 90 days.

(5) The department shall issue a certificate of inspection to any dog breeding facility that meets the requirements of this part and the rules of the department.

(6) Each dog breeder and dog breeding facility must conspicuously post its certificates of registration and inspection in a place that is in clear and unobstructed public



510562

view.

Section 6. Section 585.714, Florida Statutes, is created to read:

585.714 Powers and duties of the department.—The department shall do all of the following:

(1) Adopt rules to administer and enforce this part.

(2) Adopt, in consultation with local governmental entities and dog rescue organizations, rules relating to standards of care for dog breeding. The standards of care rules must, at minimum:

(a) Meet the minimum federal regulations for dog breeding facilities.

(b) Include limitations on the number of breeding female dogs per dog breeder and on the number of times a breeding female dog may be bred annually.

(c) Include requirements for the space, exercise, confinement, veterinary care, temperature, food, and euthanasia of each bred dog and require that each breeding female have a certificate of veterinary inspection.

(3) Adopt and publish rules governing the application for and issuance, suspension, and revocation of certificates of registration and inspection.

(4) Inspect, or cause to be inspected, all dog breeding facilities. In inspecting a dog breeding facility, the department may:

(a) Enter and inspect any dog breeding facility to determine whether this part and department rules are being complied with and to seize, without compensation, any dogs from such facilities or breeders in violation of this part or



510562

department rule. To enter a dog breeding facility under this section, there must be probable cause.

(b) Declare a dog breeding facility noncompliant and provide the facility owner or operator an opportunity to cure the noncompliance within a specified period of days, not to exceed 10 days.

(c) Assess fines.

(d) Enter into a cooperative arrangement with any person, municipality, county, or organization to perform inspections or boarding of confiscated dogs.

(e) Create a system of risk-based inspection frequency to reduce regulation while ensuring compliance with standards of care.

(f) Suspend or revoke certificates of registration and inspection of dog breeders and dog breeding facilities.

(g) Establish an expedited review system for confiscated dogs to ensure that they are not held indefinitely.

(5) Create a publicly available database on the department's website which contains all of the following information:

(a) All dog breeder certificates of registration and dog breeding facility certificates of inspection issued pursuant to this part.

(b) Any administrative action taken against a dog breeder, dog breeding facility, or retail establishment pursuant to s. 585.715(3)(c).

(6) Establish a whistleblower program whereby any individual may alert the department about violations, and provide a reward system for such alerts which may be funded with



510562

finest or through an agreement with a private organization.

Section 7. Section 585.715, Florida Statutes, is created to read:

585.715 Microchipping; certificates; retail sale of dogs.—

(1) A dog breeder or dog breeding facility shall fit each breeding female dog or any dog that it intends to offer for sale with a unique microchip and register the unique microchip with the department.

(2) A retail establishment that sells dogs in this state shall do all of the following:

(a) Conspicuously post in a place that is in clear and unobstructed public view any certificates of registration and inspection from dog breeding facilities from which the establishment obtains dogs for sale.

(b) Ensure that any dog offered for sale in the retail establishment is fitted with a unique microchip by the dog breeder or dog breeding facility pursuant to subsection (1). The retail establishment may not accept any dog for sale which does not have a microchip registered with the department.

(c) Provide a certificate of veterinary inspection for each dog offered for sale.

(3) (a) Any person who violates paragraph (2) (a) may be subject to a fine established by the department.

(b) A retail establishment that violates subsection (1) or paragraph (2) (b) is subject to a Class I fine pursuant to s. 570.971. Each dog offered for sale in violation of this section constitutes a separate violation.

(c) Any person, retail establishment, or dog breeding facility that violates this section shall be placed on a



510562

registry created by the department which details the violation.

Section 8. Section 585.716, Florida Statutes, is created to read:

585.716 Outdoor dog sales.—It is unlawful for any person to engage in a transfer at any roadside, public right-of-way, parkway, median, park, other recreational area, fair, flea market, outdoor market, commercial or retail parking lot, or similar transient or outdoor location, regardless of whether such activity is otherwise authorized. This section does not apply to:

(1) A transfer by a person or an entity that has and produces upon request, in paper, electronic, or other form, a valid license to sell dogs which was issued by the department.

(2) A transfer by a paid entrant as part of a fair or an exhibition who possesses a breeder or retail license to sell dogs.

Section 9. Section 585.717, Florida Statutes, is created to read:

585.717 Enforcement; fines.—

(1) If the department determines that a dog breeder or dog breeding facility is operating in violation of this part, the department may revoke or suspend the breeder's or facility's certificate of registration.

(2) The department may confiscate all or a portion of the dogs in the dog breeding facility pending the outcome of any hearings or appeals. The dog breeder is responsible for payment of all boarding costs and other fees as may be required to humanely and safely house the dogs pending any hearing or appeal.



510562

(3) Any administrative order made and entered by the department imposing a fine pursuant to this part must specify the amount of the fine and the time limit for payment, which may not exceed 15 days. Upon failure to pay the fine within the time limit, the certificate of registration or inspection of the breeder or facility may be suspended or revoked without further hearing. An additional fine of \$100 per day may be imposed until the breeder or facility complies with the order.

(4) If a dog breeding facility certificate of registration is revoked, the facility and its registered owners and officers are prohibited from breeding dogs in this state. A person who violates this subsection:

(a) For a first offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; and

(b) For a second or subsequent offense, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any law enforcement agency, including animal control departments, may enter into an agreement with the department to obtain reimbursement for its costs to enforce this section.

Section 10. Subsection (1) of section 585.007, Florida Statutes, is amended to read:

585.007 Violation of rules; violation of chapter.—

(1) Unless otherwise provided, a person who violates this chapter or any rule of the department ~~is shall be~~ subject to the imposition of an administrative fine in the Class III category pursuant to s. 570.971 for each offense. Upon repeated violation, the department may seek enforcement pursuant to s. 120.69.



510562

Section 11. Sections 12 and 13 of this act may be cited as
"Dexter's Law."

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

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to animal cruelty; creating part III
of ch. 585, F.S., entitled "Dog Breeding"; creating s.
585.71, F.S.; providing legislative findings and
intent; creating s. 585.711, F.S.; defining terms;
creating s. 585.712, F.S.; providing construction;
providing a presumption that a breeding female dog is
being used for breeding purposes unless certain
conditions are met; creating s. 585.713, F.S.;
requiring dog breeders to apply for and obtain a
certification of registration from the Department of
Agriculture and Consumer Services; requiring that the
certificate of registration be renewed annually;
requiring the department to notify a certificateholder
in writing of the renewal date; authorizing the
department to assess late filing penalties and to
extend a renewal date for a specified number of days;
requiring the department to issue certificates of
inspection for dog breeding facilities that meet
certain requirements and rules; requiring dog breeders
and dog breeding facilities to post conspicuously
their certificates of registration and inspection;
creating s. 585.714, F.S.; requiring the department to



510562

adopt rules; requiring the department to consult with certain entities in creating rules for standards of care; providing specified criteria for such rules; requiring the department to adopt and publish rules governing the application for and issuance, suspension and revocation of certificates of registration and inspection; authorizing the department to enter and inspect any dog breeding facility; requiring probable cause for such entry; authorizing the department to take certain enforcement actions against a dog breeder or dog breeding facility; authorizing the department to suspend or revoke certificates of registration and inspection under certain circumstances; authorizing the department to assess fines; authorizing the department to enter into cooperative agreements to conduct such inspections; authorizing the department to create a risk-based inspection frequency system; requiring the department to create a publicly available database on the department's website which contains certain information on dog breeders, dog breeding facilities, and retail establishments that sell dogs; requiring the department to create a whistleblower program for reporting violations; creating s. 585.715, F.S.; requiring dog breeders to microchip certain dogs; requiring that such microchips be registered with the department; requiring a retail establishment that sells dogs to post conspicuously certain certificates of registration and inspection; prohibiting a retail establishment from selling or



510562

301 accepting for sale dogs that do not meet the
302 microchipping requirements; requiring a retail
303 establishment to provide a certificate of veterinary
304 inspection for each dog offered for sale; providing
305 civil penalties; creating s. 585.716, F.S.;
306 prohibiting the transfer of dogs for consideration in
307 specified outdoor spaces; providing applicability;
308 creating s. 585.717, F.S.; providing for enforcement;
309 authorizing civil and criminal penalties; authorizing
310 law enforcement agencies to enter into an agreement
311 with the department for a specified purpose; amending
312 s. 585.007, F.S.; conforming a provision to changes
313 made by the act; providing a short title; amending
314 828.12, F.S.;

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 494

INTRODUCER: Criminal Justice Committee and Senators Leek and Arrington

SUBJECT: Aggravated Animal Cruelty

DATE: April 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2. <u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3. _____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 494, which may be cited as “Dexter’s Law,” amends s. 828.12, F.S., to provide that beginning January 1, 2026, the Florida Department of Law Enforcement (FDLE) will post on its website the names of those persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The information posted on the FDLE website will be in a searchable format prescribed by the department.

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant’s subtotal points by 1.25 for the crime of Aggravated Animal Cruelty. The offense must have included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal.

The bill has an insignificant negative fiscal impact to FDLE. The bill may also have a positive indeterminate impact on prison beds by increasing the minimum permissible sentence that a court may sentence an offender for the specified offense. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Animal Cruelty Offenses

Section 828.12(1), F.S., provides first degree misdemeanor penalties¹ for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or
- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of this statute may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.²

Section 828.12(2), F.S., specifies that a person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree.³

Also, s. 828.13(2)(a), (b), and (c) F.S., provide that a person commits a first degree misdemeanor⁴ if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased.

Section 828.13(3), F.S., prohibits a person who is the owner or possessor or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal which is punishable as a misdemeanor of the first degree.⁵

¹ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$5,000 fine or both. ss. 775.082 and 775.083, F.S.

² Section 828.12(6), F.S.

³ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. However, a violation of s. 828.12(2), F.S., may result in a fine of up to \$10,000. Sections 775.083(1)(g), and 828.12(2), F.S.

⁴ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.083(1)(g), and 828.13(2), F.S.

⁵ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(3), F.S., may result in a fine of up to \$5,000. Sections 775.083(1)(g), and 828.13(3), F.S.

Section 828.13(1)(a), F.S., defines the term “abandon” to mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.⁶ Whoever abandons, impounds, or confines any animal in any place and:

- Fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased; commits a first degree misdemeanor.⁷

Any person who knowingly commits any of the following acts of fighting or baiting animals commits a felony of the third degree⁸:

- Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
- Owning, possessing, or selling equipment for use in any activity described in paragraph (a);
- Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);
- Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
- Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
- Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;
- Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
- Attending the fighting or baiting of animals.⁹

Additionally, a person may not:

- Knowingly engage in any sexual contact with an animal;
- Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;
- Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control;

⁶ The term “owner” is defined as any owner, custodian, or other person in charge of an animal. s. 828.13(1)(b), F.S.

⁷ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.083(1)(g), and 828.13(2), F.S.

⁸ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S. In addition to other penalties the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court. Section 828.122(8), F.S.

⁹ “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

“Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds. Section 828.122(2), F.S.

- Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or
- Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.¹⁰

A person who violates this section commits a felony of the third degree.¹¹

In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to five years after the date of the conviction, regardless of whether adjudication is withheld.¹²

Animal Abuse Registries in Florida

Hillsborough County became the first county in Florida to establish an animal-abuser registry, requiring that any individual residing in Hillsborough County, who has been convicted of an animal-abuse offense on or after November 1, 2016, must self-register within 10 business days after their release from incarceration or from the date of the conviction.¹³ The registry contains the names, residences, photographs, and other related information of those living in the county who are convicted of an animal offense on or after November 1, 2016.¹⁴

Under the Hillsborough County ordinance, an “animal abuser” is defined as a person convicted of cruelty to animals under s. 828.12, F.S., and other animal cruelty offenses. Registrants must remain on the registry for a period of three years for a first conviction of a misdemeanor animal cruelty offense; for a period of five years for a first conviction of a felony abuse offense; or for a period of 10 years for a second or subsequent conviction of either a misdemeanor or felony abuse offense.¹⁵

In addition, registrants are not allowed to own, possess, and/or reside in the same household or on the same property as an animal while on the registry; prohibited from working with a companion animal, with or without compensation; and strictly prohibited from adopting, purchasing, or otherwise obtaining certain animals from any animal shelter, pet seller, or other

¹⁰ Sexual activities involving animals. Section 828.126, F.S.

¹¹ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

¹² Section 828.126(4), F.S.

¹³ Hillsborough County Animal Abuser Registry Documents and Resources; available at Animal Abuser Registry Documents & Resources | Hillsborough County, FL; (last visited March 23, 2025). Tampa Bay Creative Loafing, Kate Bradshaw, February 11, 2016, The worst offenders: Hillsborough may become the first county in Florida to adopt an animal abuser registry; available at <https://www.cltampa.com/news/the-worst-offenders-hillsborough-may-become-the-first-county-in-florida-to-adopt-an-animal-abuser-registry-12289553>; (last visited April 4, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at <https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/>; (last visited April 4, 2025).

¹⁴ *Id.*

¹⁵ *Id.*

person or entity involved in the exchange of animals by adoption, sale, or other means.¹⁶ The ordinance went into effect on November 1, 2016.¹⁷

Marion County commissioners approved an animal-abuser registry ordinance named “Molly’s Law,” after an American Boxer mix was severely abused in 2014.¹⁸ An examination of the animal revealed that Molly had been brutally beaten with a bat, suffered a fractured skull, and had been stabbed with a knife through the top of her head three times.¹⁹ The ordinance, similar to the animal-abuser registry ordinance in Hillsborough County, took effect on January 1, 2017²⁰.

Animal abuser registries also exist in the following local jurisdictions among others:

- Lee County²¹
- Seminole County²²
- Miami-Dade County²³
- Volusia County²⁴
- City of Tallahassee²⁵
- Collier County²⁶

Criminal Punishment Code

The Criminal Punishment Code²⁷ (Code) is Florida’s primary sentencing policy. Noncapital degrees of felonies sentenced under the Code are assigned an offense severity level ranking (Levels 1-10).²⁸ Sentencing points 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.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ “Molly’s Law” Keeps Animal Abusers from Owning Pets in Marion County, WFTV, Dec. 27, 2016, available at <http://www.wftv.com/news/local/mollys-law-keeps-animal-abusers-from-owning-pets-in-marion-county/479178907>; (last visited March 23, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at <https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/>; (last visited April 4, 2025).

¹⁹ *Id.*

²⁰ *Id.*

²¹ Lee County, available at <https://www.sheriffleefl.org/animal-abuser-search/> (last visited April 4, 2025).

²² Seminole County, available at <https://www.seminolecountyfl.gov/departments-services/prepare-seminole/animal-services/animal-abuse-registry.shtml>; (last visited April 4, 2025).

²³ Miami-Dade County, available at <https://www.miamidade.gov/Apps/ASD/crueltyweb/> (last visited April 4, 2025).

²⁴ Volusia County, available at <https://www.volusia.org/services/public-protection/animal-services/animal-abuse-listing.shtml>; (last visited April 4, 2025).

²⁵ City of Tallahassee, available at <https://www.talgov.com/animals/asc-abuse> (last visited April 4, 2025).

²⁶ Collier County, available at <https://www2.colliersheriff.org/animalabusesearch/Enjoined> (last visited April 4, 2025).

²⁷ 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.

²⁸ 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.

III. Effect of Proposed Changes:

The bill provides that the act may be cited as “Dexter’s Law.”

The bill amends s. 828.12, F.S., to provide that beginning January 1, 2026, the FDLE must post on its website, in a searchable format, the names of persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant’s subtotal points by 1.25 for the crime of Aggravated Animal Cruelty, under s. 828.12(2), F.S. The bill specifies that the Aggravated Animal Cruelty offense must be the primary offense, or the multiplier will not apply.

The offense must include the knowing and intentional torture or torment of an animal that was injured, mutilated, or killed the animal. The definition of the term animal in this sentencing point multiplier does not include an animal used for agricultural purposes or permitted as captive wildlife as authorized under s. 379.303, F.S.

The bill takes effect on 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 FDLE estimates \$12,000 in programmatic changes to fulfill the requirements of the bill.²⁹ The bill amends the Florida Criminal Code Worksheet to create a sentencing point multiplier for the crime of Aggravated Animal Cruelty. This may have a positive indeterminate impact on prison beds by increasing the minimum permissible sentence that a court may sentence an offender.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Although it is likely that the Clerks of Court will provide the information to the FDLE for the Animal Abuser website, the bill does not require the Clerks to provide this information.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12 and 921.0024.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Criminal Justice on March 25, 2025:

- Amends the Florida Criminal Code Worksheet to create a sentencing point multiplier which multiplies a defendant's subtotal points by 1.25 for the crime of Aggravated Animal Cruelty, under s. 828.12(2), F.S.
- Names the act "Dexter's Law."

B. Amendments:

None.

²⁹ 2025 FDLE Legislative Bill Analysis, February 21, 2025; (On file with the Senate committee on Criminal Justice.).

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

By Senator Avila

39-00360A-25

2025500

1 A bill to be entitled
2 An act relating to the Spectrum Alert; creating s.
3 937.0401, F.S.; providing legislative findings;
4 requiring the Department of Law Enforcement, in
5 cooperation with the Department of Transportation, the
6 Department of Highway Safety and Motor Vehicles, the
7 Department of the Lottery, and local law enforcement
8 agencies, to establish and implement the Spectrum
9 Alert; requiring the department, in cooperation with
10 specified entities, to develop a training program and
11 alert system for missing children with autism spectrum
12 disorder which is compatible with existing alert
13 systems; specifying requirements for the training
14 program; requiring the Department of Law Enforcement
15 to establish specified policies and procedures;
16 authorizing the department to adopt rules; providing
17 an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 937.0401, Florida Statutes, is created
22 to read:

23 937.0401 Spectrum Alert.—

24 (1) The Legislature finds that autism spectrum disorder
25 (ASD) significantly affects children in this country, creating
26 unique challenges that can lead to critical safety risks,
27 notably elopement or wandering behaviors in children. Children
28 with ASD are prone to wander from safe environments, at a higher
29 rate than their non-autistic peers. Elopement frequently results

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

39-00360A-25

2025500

30 in severe consequences, including fatal traffic accidents and
31 drownings. Notably, drowning is the leading cause of death of
32 children with ASD in this country, with Florida ranking fifth in
33 the nation. The high propensity for elopement and the
34 ineffectiveness of traditional search and response methods
35 necessitates a robust system that will swiftly locate and ensure
36 the safety of missing children with ASD. The Legislature finds
37 that a standardized system is necessary to aid in the search for
38 a missing child with ASD.

39 (2) The Department of Law Enforcement, in cooperation with
40 the Department of Transportation, the Department of Highway
41 Safety and Motor Vehicles, the Department of the Lottery, and
42 local law enforcement agencies, shall establish and implement
43 the Spectrum Alert to enhance the safety and well-being of
44 children with ASD through immediate and effective community and
45 emergency response.

46 (3) The Department of Law Enforcement, in cooperation with
47 the Department of Transportation, the Department of Highway
48 Safety and Motor Vehicles, the Department of the Lottery, and
49 local law enforcement agencies, shall:

50 (a) Develop a training program and alert system for missing
51 children with ASD which is compatible with existing alert
52 systems. The training program must implement crisis intervention
53 team training to equip law enforcement officers with the skills
54 to understand ASD and other mental illnesses, to de-escalate
55 interactions with children in crisis, to facilitate appropriate
56 interventions, and to respond effectively to a reported missing
57 child emergency when the child has ASD.

58 (b) Establish policies and procedures for responding to a

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

39-00360A-25

2025500

59 reported missing child emergency when the child has ASD. The
60 policies and procedures must, at a minimum, provide for all of
61 the following:

62 1. Immediate and widespread dissemination of critical
63 information when a child with ASD is reported missing.

64 2. Enhancement of emergency response teams' competence by
65 informing them of the unique behaviors and needs of children
66 with ASD.

67 3. Measures to increase public awareness and understanding
68 of the risks associated with autism-related elopement, to foster
69 community support for children with ASD.

70 (c) Require a law enforcement agency, at a minimum, to do
71 all of the following when receiving such a report:

72 1. Contact media outlets in the affected area or
73 surrounding jurisdictions.

74 2. Inform all on-duty law enforcement officers of the
75 reported missing child with ASD.

76 3. Communicate the report to all other law enforcement
77 agencies in the counties surrounding the county in which the
78 report was filed.

79 (4) The Department of Law Enforcement may adopt rules to
80 implement and administer this section.

81 Section 2. This act shall take effect July 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 500
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

From: [Ruiz, Judith](#)
To: [Garcia, Ileana](#); [Harkness, Marti](#); [Knowles, Sheila](#); [Remuzgo, Angelo](#)
Subject: Request to be Heard SB 500 Spectrum Alert
Date: Tuesday, March 25, 2025 5:07:15 PM
Attachments: [image003.png](#)
[image004.png](#)

On Behalf of Senator Bryan Avila:

March 25, 2025

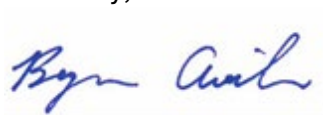
Honorable Senator Ileana Garcia
Committee on Appropriations on Criminal and Civil Justice
404 South Monroe Street
201 The Capital
Tallahassee, Florida 32399

Honorable Chair Garcia:

I respectfully request SB 500 Spectrum Alert be placed on the next committee agenda.

SB 500 Spectrum Alert; Requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Spectrum Alert; requiring the department, in cooperation with specified entities, to develop a training program and alert system for missing children with autism spectrum disorder which is compatible with existing alert systems

Sincerely,



Senator, District 39

CC: Marti Harkness, Staff Director
Sheila Knowles, Administrative Assistant
Angelo Remuzgo, Legislative Aide

Judith M. Ruiz
Chief Legislative Aide
Senator Bryan Avila, District 39

Hialeah Gardens City Hall
10001 NW. 87 Avenue

Hialeah Gardens, Florida 33016
305-364-3073

309 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399-1100
850-487-5039



Please Note: Florida has a very broad public records law. Most written communications to or from Florida Senators and Senate employees regarding legislative business are considered to be public records and will be made available to the public and the media upon request. Your e-mail messages may, therefore, be subject to public disclosure.



247248

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Avila) recommended the following:

Senate Amendment (with title amendment)

Between lines 80 and 81
insert:

Section 2. For the 2025-2026 fiscal year, the sum of
\$190,000 in nonrecurring funds is appropriated from the
Operating Trust Fund within the Department of Law Enforcement to
the Department of Law Enforcement for the purpose of
implementing the Spectrum Alert.



247248

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete line 17

14 and insert:

15 an appropriation; providing an effective date.

16

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 500

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Avila

SUBJECT: Spectrum Alert

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 500 creates s. 937.0401, F.S., to establish and implement the “Spectrum Alert” standardized system by the Department of Law Enforcement (FDLE), in cooperation with the Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (Lottery) and local law enforcement agencies to enhance the safety and well-being of children with autism spectrum disorder (ASD) through immediate effective community response.

The bill also requires those agencies to:

- Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD. The bill specifies what policies and procedures must be included.
- Provide requirements for a law enforcement agency, when receiving such a report.

The bill appropriates \$190,000 in nonrecurring funds from the Operating Trust Fund within the Department of Law Enforcement to the Department of Law Enforcement to implement the

Spectrum Alert. State and local agencies may incur workload and other costs associated with the bill. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Autism and Autism Spectrum Disorder

Definition

ASD is a developmental disability caused by differences in the brain. Some people with ASD have a known difference, such as a genetic condition. Other causes are not yet known. Scientists believe there are multiple causes of ASD that act together to change the most common ways people develop. There is still much to learn about the causes and how they impact people with ASD. Early intervention services can greatly improve the development of a child with ASD.¹

Section 627.6686(2)(b), F.S., defines “autism spectrum disorder” to mean any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder.
- Asperger’s syndrome.
- Pervasive developmental disorder not otherwise specified.²

ASD Screening and Diagnosis

Currently, there is no medical ASD test, like a blood test, to diagnose the disorder. Instead, experienced medical professionals examine a person’s developmental history and behavior, interview and observe the person and their loved ones, and use professional screening and diagnostic tools to make a diagnosis.³

Rise in Autism Diagnosis

The Centers for Disease Control and Prevention (CDC) estimates that, in the United States, 1 in 36 children have been identified as having ASD, based on 2020 data from the Autism and Developmental Disabilities Monitoring network. This is a significant increase from prior years where:⁴

- 1 in 150 children were identified in 2002.
- 1 in 110 children were identified in 2006.
- 1 in 68 children were identified in 2010.
- 1 in 59 children were identified in 2014.

¹ Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, available at <https://www.cdc.gov/autism/about/index.html> (last visited March 18, 2025).

² Section 627.6686, F.S.

³ Autism Speaks, *Autism screening*, available at <https://www.autismspeaks.org/autism-screening> (last visited March 18, 2025).

⁴ Centers for Disease Control and Prevention, *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years – Autism and Developmental Disabilities Monitoring Network*, (11 Sites, United States, 2020), available at <https://www.cdc.gov/mmwr/volumes/72/ss/ss7202a1.htm> (last visited on March 18, 2025).

- 1 in 44 children were identified in 2018.

The United States has the fourth highest rate of autism behind the United Kingdom, Sweden, and Japan according to data gathered by the World Population Review. The source acknowledges some of the difficulties in making comparisons among different countries are due to the lack of uniform criteria for assessing and diagnosing autism, lack of resources, and failure of some counties to track or report autism rates.⁵

Elopement and ASD

Elopement is when someone leaves a safe area or a responsible caregiver. First responders are vital for maintaining the health and safety of members of our communities. They are likely to be called upon in the event of a missing child or youth. It is important for first responders to be prepared by knowing which children in the community might wander, having family contact information, and having a plan to respond.⁶

Individuals with ASD are often attracted to water, yet have little to no sense of danger. Drowning is a leading cause of death in children with ASD. People with ASD may not be able to understand danger or respond to questions or verbal commands. Because many individuals with ASD go directly to water, it's important to treat each case as critical.⁷

Nearly half of children with ASD were reported to engage in elopement behavior, with a substantial number at risk for bodily harm. These results highlight the urgent need to develop interventions to reduce the risk of elopement, to support families coping with this issue, and to train childcare professionals, educators, and first responders who are often involved when elopements occur. Forty-nine percent of survey respondents reported their child with an ASD had attempted to elope at least once after age 4 years; 26% were missing long enough to cause concern. Of those who went missing, 24% were in danger of drowning and 65% were in danger of traffic injury.⁸

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

⁵ World Population Review, *Autism Rates by Country 2024*, available at <https://worldpopulationreview.com/country-rankings/autism-rates-by-country> (last visited March 18, 2025).

⁶ Centers for Disease Control and Prevention, *Wandering (Elopement)*, available at <https://www.cdc.gov/child-development/disability-safety/wandering.html> (last visited on March 18, 2025).

⁷ National Autism Association, *Autism and Wandering: A guide for First Responders*, available at <https://nationalautismassociation.org/autism-wandering-a-guide-for-first-responders/> (last visited March 18, 2025).

⁸ Connie Anderson, J. Kiely Law, Amy Daniels, Catherine Rice, David S. Mandell, Louis Hagopian, and Paul A. Law. *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*. *Pediatrics*, available at <https://publications.aap.org/pediatrics/article-abstract/130/5/870/32515/Occurrence-and-Family-Impact-of-Elopement-in?redirectedFrom=fulltext> (last visited March 18, 2025).

certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.⁹

Autism Training

In 2017, s. 943.1727, F.S., was created to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.¹⁰

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to ASD. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with ASD and responding to missing persons incidents involving people with ASD.¹¹

Alert Systems

Silver Alert

The Florida Silver Alert is used to locate missing persons traveling by vehicle who are suffering from an irreversible deterioration of intellectual faculties. Law enforcement agencies must determine that the use of dynamic message signs may be the only possible way to rescue the missing person in order to issue a Silver Alert. To qualify for a Silver Alert the person must:

- Be 60 years and older; or
- Be 18-59 and law enforcement has determined the missing person lacks the capacity to consent; and
- Have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.¹²

⁹ 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).

¹⁰ The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. Section 943.135, F.S.

¹¹ Florida Department of Law Enforcement, Online Mandatory Training, *Autism Spectrum Disorders (ASD) & Interviews*, available at <https://www.fdle.state.fl.us/Media/BPDtraining/AutismInterviews/story.html> (last visited March 18, 2025).

¹² Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited March 18, 2025).

Purple Alert

In 2021,¹³ the Legislature created the Purple Alert to aid in the search for certain missing adults:¹⁴

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who do not meet the criteria for activation of a local or statewide Silver Alert.¹⁵

Florida's Purple Alert law requires the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.¹⁶

III. Effect of Proposed Changes:

The bill creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery and local law enforcement agencies to enhance the safety and well-being of children with ASD through immediate effective community response.

The bill also requires those agencies to develop a training program alert system for missing children with ASD which is compatible with existing alert systems for law enforcement officers and specifies that the training program must implement crisis intervention team training to:

¹³ Chapter 2021-93, Laws of Florida.

¹⁴ Section 937.0201(2), F.S., defines the term "missing adult" to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

¹⁵ Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited March 18, 2025).

¹⁶ Section 937.0205(3), F.S.

- Equip law enforcement officers with the skills to understand ASD and other mental illnesses;
- Deescalate interactions with children in crisis;
- Facilitate appropriate interventions;
- Respond effectively to a reported missing child emergency the child has ASD; and
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD.

The listed agencies must also establish policies and procedures for responding to a reported missing child who has ASD which must provide:

- Immediate and widespread dissemination of critical information when a child with ASD is reported missing;
- Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD; and
- Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

The listed agencies must require a law enforcement agency, at a minimum, to do the following when receiving such a report:

- Contact media outlets in the affected area or surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the reported missing child with ASD; and
- Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

The bill appropriates \$190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert.

The bill takes effect on 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 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 bill appropriates \$190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert. FDLE will be able to absorb any additional costs above the appropriation within existing resources.¹⁷ The DHSMV will incur costs associated with training and the establishment of measures to increase public awareness of autism related elopement.¹⁸ The bill may also have an indeterminate workload impact on local law enforcement agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 937.0401 of the Florida Statutes.

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 Appropriations Committee on Criminal and Civil Justice on April 10, 2025:
The committee substitute appropriated \$190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert.

¹⁷ Florida Department of Law Enforcement, *2025 Bill Analysis SB 500 Spectrum Alert*.

¹⁸ Department of Highway Safety and Motor Vehicles, *2025 Bill Analysis SB 500 Spectrum Alert*, (on file with Senate Criminal Justice Committee).

B. Amendments:

None.

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

By Senator Gruters

22-01386-25

2025984__

A bill to be entitled

An act relating to aggravating factors; amending s.
921.141, F.S.; providing an additional aggravating
factor for capital felonies; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (q) is added to subsection (6) of
section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital
felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be
limited to the following:

(q) The victim of the capital felony was gathered with one
or more persons for school activities, religious activities, or
public government meetings.

Section 2. This act shall take effect July 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 984
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE								
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
	X	Osgood						
	X	Polsky						
X		Rouson						
X		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
6	2	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 21, 2025

I respectfully request that **Senate Bill # 984**, relating to Aggravating Factors, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate

APPEARANCE RECORD

984

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

4/10/25

S Approp. Comm. on Gov. & Cr. Justice
Committee

Name Joseph Harmon Phone 850 205 6826

Address 201 W Park Ave Email _____
Street

Tall. FL 32301
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Florida Conference of Catholic Bishops

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 984

INTRODUCER: Senator Gruters

SUBJECT: Aggravating Factors

DATE: April 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2. <u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3. _____	_____	<u>FP</u>	_____

I. Summary:

SB 984 amends s. 921.141, F.S., to create an additional aggravating factor for consideration during sentencing proceedings for capital felonies regarding whether the victim of the capital felony was gathered with one or more people for a school activity, religious activity, or a public government meeting.

The bill may have an indeterminate fiscal impact on prison beds within the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Current Sentencing Proceedings in Capital Cases

Most of the statutes governing the proceedings to determine a sentence of either death or life imprisonment without the possibility of parole¹ in capital cases are set forth in s. 921.141, F.S. The court conducts the sentencing proceeding upon conviction or adjudication of guilt of a defendant in a capital felony.² Typically, the proceeding is conducted by the trial judge before the trial jury as soon as practicable.³

Aggravating Factors and Mitigating Circumstances

During the sentencing proceeding, the jury (or the judge if the jury is waived by the defendant) considers evidence that is relevant to the nature of the crime and the character of the defendant.

¹ Section 775.082(1)(a), F.S.

² Section 921.141(1), F.S.

³ *Id.*

The evidence includes matters relating to any of the aggravating factors⁴ or mitigating circumstances.⁵

Aggravating factors are facts that tend to show a particular trait or status of the victim, a trait of the defendant, or facts related to the nature of the crime or the manner in which the defendant committed it.⁶

The aggravating factors are limited to the following:

- The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
- The defendant knowingly created a great risk of death to many persons.
- The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.
- The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- The capital felony was committed for pecuniary gain.
- The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- The capital felony was especially heinous, atrocious, or cruel.
- The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.
- The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.
- The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.
- The victim of the capital felony was a person less than 12 years of age.
- The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.
- The capital felony was committed by a criminal gang member.⁷

⁴ Section 921.141(6), F.S.

⁵ Section 921.141(7), F.S.

⁶ Section 921.141(6), F.S.

⁷ "Criminal gang member" means a person who meets two or more of the following criteria: Admits to criminal gang membership; Is identified as a criminal gang member by a parent or guardian; Is identified as a criminal gang member by a documented reliable informant; Adopts the style of dress of a criminal gang; Adopts the use of a hand sign identified as used by a criminal gang; Has a tattoo identified as used by a criminal gang; Associates with one or more known criminal gang members; Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information; Is identified as a criminal gang member by physical evidence; Has been observed in the company of one or more known criminal gang members four or more times; (Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members

- The capital felony was committed by a person designated as a sexual predator⁸ or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a person subject to a domestic violence injunction⁹, or an injunction for protection against repeat violence, dating violence and of sexual violence,¹⁰ or a foreign protection order,¹¹ and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Additionally, the following mitigating circumstances may be considered by the jury or the court as reasons this particular defendant may not be sentenced to death, in the opinion of the jury or the court.

Statutory mitigating circumstances are the following:

- The defendant has no significant history of prior criminal activity.
- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The victim was a participant in the defendant's conduct or consented to the act.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.
- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.
- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.¹²

Jury Findings and Recommended Sentence

The jury must return findings identifying each aggravating factor found to exist beyond a reasonable doubt. A finding that an aggravating factor exists must be unanimous.¹³ If the jury:

- Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.
- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
 - Whether sufficient aggravating factors exist.

who recruit and organize in jails, prisons, and other detention settings.) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang. Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of the statute. s. 874.03, F.S.

⁸ Section 775.21(4)(a), F.S.

⁹ Injunction for protection against domestic violence, s.741.30 F.S.

¹⁰ Injunction for protection against repeat violence, dating violence, and protection in cases of sexual violence, s.784.046, F.S.

¹¹ Section 741.315, F.S.

¹² Section 921.141(7)(a)-(h), F.S.

¹³ Section 921.141(2)(b), F.S.

- Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
- Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.¹⁴

If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court must be a sentence of death¹⁵. If at least eight jurors do not determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.¹⁶

Imposition of Sentence

If the jury has recommended a sentence of:

- Life imprisonment without the possibility of parole, the court must impose the recommended sentence.¹⁷
- Death, the court, after considering each aggravating factor found by the jury and all mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may consider only an aggravating factor that was unanimously found to exist by the jury.¹⁸

If the defendant waived his or her right to a sentencing proceeding by a jury, the court, after considering all aggravating factors and mitigating circumstances, may impose a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence of death only if the court finds that at least one aggravating factor has been proven to exist beyond a reasonable doubt.¹⁹

III. Effect of Proposed Changes:

The bill amends s. 921.141, F.S., to create an additional aggravating factor for consideration during sentencing proceedings for capital felonies regarding whether the victim of the capital felony was gathered with one or more people for a school activity, religious activity, or a public government meeting.

The bill takes effect on 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.

¹⁴ Section 921.141(2) and (b), F.S.

¹⁵ Section 921.141(2)(c), F.S.

¹⁶ Section 921.141(2)(c), F.S.

¹⁷ Section 921.141(3), F.S.

¹⁸ Section 921.141(3), F.S.

¹⁹ Section 921.141(3), F.S.

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 bill may have an indeterminate prison bed impact based on the new aggravating factor if additional defendants are convicted and sentenced to life imprisonment or imprisoned until the death sentence is carried out.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.141 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

By Senator Garcia

36-01555-25

20251054__

1 A bill to be entitled
 2 An act relating to tampering with an electronic
 3 monitoring device; amending s. 843.23, F.S.;
 4 reclassifying the offense of tampering with an
 5 electronic monitoring device to provide graduated
 6 penalties; requiring termination of pretrial release
 7 of a person who tampers with such a device while on
 8 pretrial release; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Section 843.23, Florida Statutes, is amended to
 13 read:
 14 843.23 Tampering with an electronic monitoring device.—
 15 (1) As used in this section, the term “electronic
 16 monitoring device” includes any device that is used to track the
 17 location of a person.
 18 (2) It is unlawful for a person to intentionally and
 19 without authority:
 20 (a) Remove, destroy, alter, tamper with, damage, or
 21 circumvent the operation of an electronic monitoring device that
 22 must be worn or used by that person or another person pursuant
 23 to a court order or pursuant to an order by the Florida
 24 Commission on Offender Review; or
 25 (b) Request, authorize, or solicit a person to remove,
 26 destroy, alter, tamper with, damage, or circumvent the operation
 27 of an electronic monitoring device required to be worn or used
 28 pursuant to a court order or pursuant to an order by the Florida
 29 Commission on Offender Review.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-01555-25

20251054__

30 (3) A person who violates this section commits a:
 31 (a) Felony of the third degree, punishable as provided in
 32 s. 775.082, s. 775.083, or s. 775.084, if the person is charged
 33 with or serving a sentence for a misdemeanor.
 34 (b) Felony of the second degree, punishable as provided in
 35 s. 775.082, s. 775.083, or s. 775.084, if the person is charged
 36 with or serving a sentence for a third degree felony.
 37 (c) Felony of the first degree, punishable as provided in
 38 s. 775.082, s. 775.083, or s. 775.084, if the person is charged
 39 with or serving a sentence for a second degree felony.
 40 (d) Felony of the first degree, punishable by a term of
 41 years not exceeding life or as provided in s. 775.082, s.
 42 775.083, or s. 775.084, if the person is charged with or serving
 43 a sentence for a first degree felony or a first degree felony
 44 punishable by a term of years not exceeding life.
 45 (e) Life felony, punishable as provided in s. 775.082, s.
 46 775.083, or s. 775.084, if the person is charged with or serving
 47 a sentence for a life or capital felony.
 48 (4) A person on pretrial release who commits a violation of
 49 this section shall have his or her pretrial release terminated
 50 and shall no longer be eligible for pretrial release for the
 51 offenses for which he or she was on release.
 52 Section 2. This act shall take effect October 1, 2025.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 1054
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Committee Staff,
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: April 4, 2025

I respectfully request that **Senate Bill #1054**, relating to Tampering with an Electronic Monitoring Device, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in black ink, appearing to read "Neena Garcia", is written over a horizontal line. Below the line, the text "Senator Neena Garcia" and "Florida Senate, District 36" is printed.

Senator Neena Garcia
Florida Senate, District 36



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal and
Civil Justice, *Chair*
Children, Families, and Elder Affairs, *Vice Chair*
Appropriations
Appropriations Committee on Health and
Human Services
Criminal Justice
Ethics and Elections
Rules

SENATOR ILEANA GARCIA

36th District

April 10, 2025

Committee Staff,

Appropriations Committee on Criminal and Civil Justice.

201 The Capitol

404 South Monroe Street

Tallahassee, FL 32399-1100

Dear Staff,

On behalf of Senator Garcia, we spoke with Senator Avila, who agreed to present the bill SB 1054 Tampering with an Electronic Monitoring Device on her Behalf in the Criminal and Civil Justice committee.

I appreciate your consideration of this request.

Sincerely,

Angelo Remuzgo

Legislative Aide to Senator Ileana Garcia

REPLY TO:

☐ 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841

☐ 314 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 1054

INTRODUCER: Senators Garcia and Avila

SUBJECT: Tampering with an Electronic Monitoring Device

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Favorable
2.	Atchley	Harkness	ACJ	Favorable
3.			FP	

I. Summary:

SB 1054 amends s. 843.23, F.S., to reclassify the penalties regarding tampering with an electronic device. If a person is charged with or serving a sentence for a:

- Misdemeanor,¹ tampering with an electronic device is a third degree felony.²
- Third degree felony, tampering with an electronic device is a second degree felony.³
- Second degree felony, tampering with an electronic device is a first degree felony.⁴
- First degree felony or a first degree felony punishable by a term of years not exceeding life, tampering with an electronic device is a first degree felony punishable by a term of years not exceeding life.
- Life or capital felony, tampering with an electronic device is a life felony.

If a person on pretrial release tampers with an electronic monitoring device, his or her pretrial release will be terminated, and will no longer be eligible for pretrial release for the offenses for which they were on release.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

¹ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding \$1000; a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500, as provided in ss. 775.082 and 775.083, F.S.

² A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

³ A second degree felony is punishable by a term of imprisonment not exceeding fifteen years and a fine not exceeding \$5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

⁴ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

II. Present Situation:

Use of Electronic Monitoring in Florida's Criminal Justice System

There are several stages of the criminal justice system in which a court or another authorized entity may order a person to wear an electronic monitoring device. An electronic monitoring (EM) device is a tamper-resistant device worn on the body that monitors the location of a person at all times of the day. The monitoring agency is notified for various violations of the terms of supervision, such as if the person travels to a location he or she is not authorized to be or if the device is removed. Electronic monitoring systems can be either “passive” or “active” and are typically operated through radio frequency or global positioning system (GPS) monitoring.⁵ Some of the instances where a person may be placed on an EM include:

- A court order allowing the release from custody to a pretrial release program while the defendant awaits trial.⁶
- A judge placing an offender on probation⁷ or community control⁸ in lieu of or in addition to incarceration.⁹
- Supervision by the Florida Commission on Offender Review (FCOR).¹⁰

Electronic Monitoring

The Department of Corrections (DOC) must electronically monitor an offender sentenced to community control when the court has imposed such condition.¹¹ Any offender placed under supervision who violates the terms and conditions of supervision and is restored to supervision may be supervised by means of an electronic monitoring device or system if ordered by the court.¹²

Electronic monitoring is a condition of a court or commission order for probationers, community controllees, or conditional releasees who have current or prior convictions for violent or sexual offenses. A system that actively monitors and identifies the offender's locations and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations must be used.¹³

⁵ Office of Juvenile Justice and Delinquency Prevention, *Home Confinement and Electronic Monitoring*, October 2014, available at https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/home_confinement_em.pdf (last visited March 3, 2025).

⁶ Office of Program Policy Analysis & Gov't Accountability, *County Pretrial Release Programs: Calendar Year 2017*, Report No. 18-06, at 1, 2, and 8-9, November 2018, available at <https://oppaga.fl.gov/Documents/Reports/18-06.pdf> (last visited March 3, 2025); See also s. 907.041, F.S., which provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with an enumerated dangerous crime.

⁷ Section 948.001(8), F.S., Probation is a form of community supervision requiring specified contacts with probation officers and other conditions a court may impose. Standard conditions of probation are enumerated in s. 948.03, F.S., and are not required to be announced on the record, but the court must orally pronounce, as well as provide in writing, any special conditions of probation imposed.

⁸ Section 948.001(3), F.S., defines “community control” as a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Section 948.10(2), F.S., provides that caseloads must be no more than 30 cases per officer.

⁹ Sections 948.01 and 948.11, F.S.

¹⁰ Section 947.1405(7), (8), and (10), F.S.

¹¹ Section 948.11(1), F.S.

¹² Section 948.11(2), F.S.

¹³ Section 948.11(6), F.S.

Probation

The Office of Community Corrections currently supervises more than 145,000 offenders throughout Florida. These adult offenders are monitored and supervised by probation officers located in 130 probation offices. This includes offenders released from prison on parole, conditional release, or conditional medical release. It also includes offenders placed on court ordered supervision including regular probation, administrative probation, drug offender probation, sex offender probation, and community control.¹⁴

Tampering with an Electronic Monitoring Device

Section 843.23, F.S., provides it is a third-degree felony¹⁵ to tamper with an EM, which includes any device that is used to track the location of a person. It is unlawful for a person to intentionally and without authority:

- Remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court or order by the FCOR; or
- Request, authorize, or solicit a person to remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device.

Reclassification and Ranking

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.¹⁶ Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.¹⁷ 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.¹⁸

Section 775.087(1)(a-c), F.S., reclassifies the penalty in cases that a weapon or a firearm is an essential element during the commission of a felony by reclassifying the penalty to a higher degree.¹⁹

¹⁴ Florida Department of Corrections, *Probation Services*, available at <http://www.dc.state.fl.us/cc/index.html> (last visited March 3, 2025).

¹⁵ A third degree felony is punishable by up to 5 years of incarceration and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

¹⁶ *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).

¹⁷ *Cf. Spicer v. State*, 615 So.2d 725, 726 (Fla. 2d DCA 1993) (reversing reclassification of robbery with a mask conviction because “[p]enal statutes must be construed in terms of their literal meaning [I]f the legislature had intended section 775.0845 [Florida Statutes (1989)] to reclassify offenses, it would have so stated”).

¹⁸ 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.

¹⁹ Section 775.087(1)(a-c), F.S.

III. Effect of Proposed Changes:

The bill amends s. 843.23, F.S., to reclassify the penalties regarding tampering with an electronic device. If a person is charged with or serving a sentence for a:

- Misdemeanor,²⁰ tampering with an electronic device is a third degree felony.²¹
- Third degree felony, tampering with an electronic device is a second degree felony.²²
- Second degree felony, tampering with an electronic device is a first degree felony.²³
- First degree felony or a first degree felony punishable by a term of years not exceeding life, tampering with an electronic device is a first degree felony punishable by a term of years not exceeding life.
- Life or capital felony, tampering with an electronic device is a life felony.

If a person on pretrial release tampers with an electronic monitoring device, his or her pretrial release will be terminated, and will no longer be eligible for pretrial release for the offenses for which they were on release.

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 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.

²⁰ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding \$1000; a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500, as provided in ss. 775.082 and 775.083, F.S.

²¹ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

²² A second degree felony is punishable by a term of imprisonment not exceeding fifteen years and a fine not exceeding \$5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

²³ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

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 indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the FDLE, in FY 23-24, there were 503 arrests for tampering with an electronic monitoring device, with 222 guilty/convicted and 45 adjudications withheld.
- Per the DOC, in FY 23-24, there were 12 new commitments to prison for tampering with an electronic monitoring device. It is not known what felony degree they were when tampering with the electronic monitoring device. Therefore, it cannot be determined how many of those incarcerated and those not incarcerated would be impacted by this language.
- 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 4, 2nd degree felony was 29.5 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent, the incarceration rate for a 1st degree felony, punishable by a term of years not exceeding life was 75.4 percent, and the incarceration rate for a life felony was 87.5 percent.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 843.23 of the Florida Statutes.

²⁴ Office of Economic and Demographic Research, *SB 1054 – Tampering with Electronic Monitoring Devices*, (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator McClain

9-01474-25

20251072__

1 A bill to be entitled
 2 An act relating to an expedited DNA testing grant
 3 program; creating s. 943.328, F.S.; defining the term
 4 "private lab"; creating the Expedited DNA Testing
 5 Grant Program within the Department of Law
 6 Enforcement; specifying potential grant recipients;
 7 providing purposes for the grants under the program;
 8 specifying eligible uses for such grant funds;
 9 requiring each grant recipient to provide a report to
 10 the executive director of the department within a
 11 certain timeframe; specifying the required contents of
 12 the report; requiring the department to adopt rules;
 13 providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Section 943.328, Florida Statutes, is created to
 18 read:
 19 943.328 Expedited DNA Testing Grant Program.—
 20 (1) As used in this section, the term "private lab" means a
 21 DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the
 22 International Organization for Standardization and Federal
 23 Bureau of Investigation quality assurance standards.
 24 (2) There is created within the department the Expedited
 25 DNA Testing Grant Program to award grants to law enforcement
 26 agencies in the processing and testing of DNA samples.
 27 (3) The department shall annually award to law enforcement
 28 agencies any funds specifically appropriated for the grant
 29 program to cover processing and testing of DNA samples by

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-01474-25

20251072__

30 private laboratories.
 31 (4) Grants may be used by a law enforcement agency:
 32 (a) When the technology or technique needed to process and
 33 test the evidence or DNA sample properly is not readily
 34 available at a local or state laboratory; or
 35 (b) When, in the agency's judgment, justice is best served
 36 through expedited processing and testing of the evidence or
 37 sample.
 38 (5) Each grant recipient shall provide to the executive
 39 director a report no later than 1 year after receipt of funding
 40 under the grant program. The report must include all of the
 41 following information:
 42 (a) The amount of annual funding received.
 43 (b) The number of cases tested.
 44 (c) The type of DNA testing used, including the name of the
 45 laboratory to which such testing was outsourced, and the type of
 46 equipment used for the testing.
 47 (d) The result of the testing.
 48 (e) The average amount of time it took to make each such
 49 identification.
 50 (6) The department shall adopt rules to implement and
 51 administer this section and to establish the process for the
 52 allocation of grant funds.
 53 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 1072
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
X		Osgood						
X		Polsky						
X		Rouson						
X		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
8	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1072**, relating to DNA Testing Grant Program, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Stan McClain".

Senator Stan McClain
Florida Senate, District 9

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 1072

INTRODUCER: Senator McClain

SUBJECT: Expedited DNA Testing Grant Program

DATE: April 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cella	Stokes	CJ	Favorable
2. Kolich	Harkness	ACJ	Favorable
3. _____	_____	FP	_____

I. Summary:

SB 1072 creates the Expedited DNA Testing Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to law enforcement agencies for the processing of DNA samples at private laboratories. The bill requires FDLE to annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by specified private laboratories when:

- The technology or technique needed to properly test the evidence or DNA sample is not readily available at a local or state laboratory; or
- When expedited testing of the DNA sample is in the agency's judgment, justice is best served by expedited processing and testing.

An agency receiving grant funds must submit a report to the executive director of FDLE no later than one year after receiving grant funding, including specified information.

The FDLE must adopt rules to implement and administer the grant program.

Grant awards to support the program are subject to appropriation. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

FBI's Combined DNA Index System (CODIS)

Deoxyribonucleic acid (DNA) is hereditary material existing in the cells of all living organisms. A DNA profile may be created by testing the DNA in a person's cells. Similar to fingerprints, a person's DNA profile is a unique identifier, except for identical twins, who have the exact same

DNA profile. DNA evidence may be collected from any biological material, such as hair, teeth, bones, skin cells, blood, semen, saliva, urine, feces, and other bodily substances.¹

Historically, the most common form of DNA analysis used to match samples and test for identification in forensic laboratories analyzes only certain parts of DNA, known as short tandem repeats (STRs).² In the early 1990s, the Federal Bureau of Investigation (FBI) chose 13 STRs as the basis for a DNA identification profile, and the 13 STRs became known as the Combined DNA Index System (CODIS).³ CODIS is now the general term used to describe the FBI's program of support for local, state, and national criminal justice DNA databases, as well as the software used to run these databases.⁴

When a suspect's identity is unknown, a participating crime laboratory may upload a forensic profile into CODIS to compare against additional DNA profiles uploaded by other federal, state, or local participating laboratories. If a match is identified, the laboratories involved exchange information to verify the match and establish coordination between the two agencies. This match can provide probable cause for law enforcement to obtain a warrant to collect a biological reference sample from an offender. A laboratory can then perform DNA analysis on the known biological sample and present the analysis as evidence in court.⁵

ISO/IEC 17025:2017

The International Organization for Standardization (ISO) is a worldwide federation consisting of technical committees that work with governmental and nongovernmental organizations to prepare standards related to technology and manufacturing.⁶ ISO and the International Electrotechnical Commission (IEC) develop joint ISO/IEC documents to provide uniform guidelines in each subject for which a technical committee has been established, including technical committees that establish international standards for DNA laboratories.⁷

ISO/IEC standards for DNA laboratories outline requirements related to:

- Personnel;
- Facilities and environmental conditions;
- Equipment;
- Selection, verification, and validation of methods;
- Ensuring the validity of results; and
- Reporting results.⁸

¹ FindLaw, [How DNA Evidence Works](#) (last visited April 2, 2025).

² Kelly Lowenberg, *Applying the Fourth Amendment when DNA Collected for One Purpose is Tested for Another*, 79 U. Cin. L. Rev. 1289, 1293 (2011), available at <https://law.stanford.edu/wp-content/uploads/2011/11/APPLYING-THE-FOURTH-AMENDMENT-WHEN-DNA-COLLECTED-FOR-ONE-PURPOSE.pdf> (last visited March 28, 2025).

³ *Id.*

⁴ FBI, [Frequently Asked Questions on CODIS and NDIS](#) (last visited April 2, 2025).

⁵ *Id.*

⁶ International Standard, [ISO/IEC 17025:2017 - General Requirements for the Competence of Testing and Calibration Laboratories](#) (last visited March 28 2025).

⁷ *Id.*

⁸ *Id.*

Federal Bureau of Investigation Quality Assurance Standards

The FBI provides quality assurance requirements that laboratories performing forensic DNA testing or utilizing the CODIS must follow.⁹ These standards ensure the quality and integrity of the data generated by the laboratory and apply to:

- Forensic DNA testing laboratories using Rapid DNA instruments/Systems on casework reference samples.
- Vendor laboratories that perform forensic DNA testing in accordance with specified standards.¹⁰

The FBI standards also require laboratories to establish, follow, and maintain quality assurance systems that include elements related to:

- Goals and objectives;
- Organization and management;
- Personnel;
- Training;
- Facilities and evidence control;
- Validation;
- Analytical procedures;
- Equipment;
- Reports;
- Review;
- Proficiency testing;
- Corrective action;
- Audits;
- Professional development; and
- Outsourcing ownership.¹¹

Additionally, each laboratory must:

- Have and develop a policy regarding document retention that specifically addresses proficiency tests, corrective action, audits, training records, continuing education, case files, and court testimony monitoring;
- Annually review each quality assurance system related to DNA; and
- Annually review case files that are a representative sample of cases worked.¹²

III. Effect of Proposed Changes:

The bill creates the Expedited DNA Testing Grant Program within the FDLE to award grants to law enforcement agencies for the processing of evidentiary items for DNA testing. FDLE must annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by private laboratories. The bill defines a “private lab”

⁹ FBI, [Quality Assurance Standards for Forensic DNA Testing Laboratories](#) (last visited April 2, 2025).

¹⁰ *Id.* Additionally, FBI standards do not preclude the participation of a laboratory, by itself or in collaboration with others, in research and development on procedures that have not been validated.

¹¹ *Id.*

¹² *Id.*

as any DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and FBI Quality Assurance Standards.

Under the bill, grants may be used by a law enforcement agency when:

- The technology or technique needed to properly test the DNA sample is not readily available at a local or state laboratory; and
- In the law enforcement agency's judgment, expedited testing of the DNA sample is in the best interest of advancing an investigation.

The bill requires each grant recipient to provide a report to the executive director of FDLE no later than one year after receiving grant funding that details the:

- Amount of annual funding received from the grant;
- Number of cases tested by the private laboratory;
- Type of DNA testing used, including the name of the private laboratory to which such testing was outsourced and the type of equipment used by the private laboratory for such testing;
- The results of the DNA testing; and
- Average amount of time it took to make each such identification.

The bill takes effect 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 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:

The bill may have an indeterminate positive impact on the private sector to the extent that the bill authorizes recipients of grant funds to pay for expenses related to using certain DNA testing, which may require outsourcing to a private entity. Any such impact is subject to legislative appropriation.

C. Government Sector Impact:

Grant awards to support the program are subject to appropriation; the bill does not appropriate funds for the grant program. FDLE is unable to predict workload and the personnel required to implement and manage the grant program.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Requirements for the outsourcing of DNA samples are contained in Standard 17 of the FBI Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories. For law enforcement agencies seeking to outsource offender and/or casework samples, the technical specifications of the outsourcing agreement must have the prior approval of the technical leader of the NDIS participating laboratory that will be entering that DNA data into CODIS. At a minimum, the outsourced laboratory must follow the FBI's Quality Assurance Standards and be accredited.¹⁴

Standard 17 of the Quality Assurance Standards also requires the completion of an on-site visit of the vendor laboratory prior to the beginning of the outsourced analyses and a technical review of the outsourced DNA records by the NDIS participating laboratory. Please refer to the FBI's Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories for additional information concerning the use of contract employees to perform the technical review of DNA records.¹⁵

VIII. Statutes Affected:

This bill creates section 943.328 of the Florida Statutes.

¹³ Florida Department of Law Enforcement, *2025 Bill Analysis SB 1072 Expedited DNA Testing Grant Program*.

¹⁴ Frequently Asked Questions on CODIS and NDIS, the Federal Bureau of Investigation; available at <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet#CODIS>; (last visited March 28, 2025).

¹⁵ *Id.*

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Martin

591-02564-25

20251084c1

A bill to be entitled

An act relating to sexual cyberharassment; amending s. 784.049, F.S.; providing and revising legislative findings and definitions; providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; providing criminal penalties for persons who commit the offense of sexual cyberharassment with a specified intent or purpose; providing enhanced criminal penalties for second or subsequent violations; authorizing an aggrieved person to initiate a civil action to recover punitive damages; making technical changes; amending s. 775.15, F.S.; providing time limitations for commencing prosecution for violations of sexual cyberharassment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present paragraphs (d), (e), and (f) of subsection (1) of section 784.049, Florida Statutes, are redesignated as paragraphs (e), (f), and (g), respectively, present subsections (4) through (7) are redesignated as subsections (5) through (8), respectively, a new paragraph (d) is added to subsection (1) and a new subsection (4) is added to that section, and paragraph (a) of subsection (1), subsections (2) and (3), and present subsection (5) of that section are amended, to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02564-25

20251084c1

(a) A person depicted in a sexually explicit image taken with the person's consent retains ~~may retain~~ a reasonable expectation that the image will remain private despite sharing the image with another person, ~~such as an intimate partner~~.

(d) A person depicted in a digitally forged intimate image created by or with the consent of the depicted person retains a reasonable expectation of privacy despite sharing the image with another person.

(2) As used in this section, the term:

(a) "Digitally forged intimate image" means an image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual as defined in s. 847.001; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

(b) "Image" includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(c) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02564-25

20251084c1

59 feeding.

60 (d) (b) "Personal identification information" means any
61 information that identifies an individual, and includes, but is
62 not limited to, any name, postal or electronic mail address,
63 telephone number, social security number, date of birth, or any
64 unique physical representation.

65 (e) (c) "Sexually cyberharass" means to publish to an
66 Internet website or disseminate through electronic means to
67 another person a sexually explicit image of a person that
68 contains or conveys the personal identification information of
69 the depicted person without the depicted person's consent,
70 contrary to the depicted person's reasonable expectation that
71 the image would remain private, for no legitimate purpose, with
72 the intent of causing substantial emotional distress to the
73 depicted person. Evidence that the depicted person sent a
74 sexually explicit image to another person does not, on its own,
75 remove his or her reasonable expectation of privacy for that
76 image. Absent affirmative consent to disseminate, the depicted
77 person retains his or her reasonable expectation of privacy.

78 (f) (d) "Sexually explicit image" means a digitally forged
79 intimate image or an any image depicting nudity, as defined in
80 s. 847.001, or depicting a person engaging in sexual conduct, as
81 defined in s. 847.001.

82 (3) (a) Except as provided in paragraph (b), a person who
83 willfully and maliciously sexually cyberharasses another person
84 commits a misdemeanor of the first degree, punishable as
85 provided in s. 775.082 or s. 775.083.

86 (b) Upon a second or subsequent a person who has one prior
87 conviction for a violation of paragraph (a), a person sexual

591-02564-25

20251084c1

88 ~~cyberharassment and who commits a second or subsequent sexual~~
89 ~~cyberharassment~~ commits a felony of the third degree, punishable
90 as provided in s. 775.082, s. 775.083, or s. 775.084.

91 (4) (a) Except as provided in paragraph (b), a person who
92 violates paragraph (3) (a) with the intent to cause physical,
93 mental, economic, or reputational harm to an individual
94 portrayed in the image, or for the purpose of profit or
95 pecuniary gain, commits a felony of the third degree, punishable
96 as provided in s. 775.082, s. 775.083, or s. 775.084.

97 (b) Upon a second or subsequent conviction for a violation
98 of paragraph (a), a person commits a felony of the second
99 degree, punishable as provided in s. 775.082, or s. 775.083, or
100 s. 775.084.

101 (6) (5) An aggrieved person may initiate a civil action
102 against a person who violates this section to obtain all
103 appropriate relief in order to prevent or remedy a violation of
104 this section, including all of the following:

105 (a) Injunctive relief.

106 (b) Monetary damages to include \$10,000 or actual damages
107 incurred as a result of a violation of this section, whichever
108 is greater.

109 (c) Punitive damages.

110 (d) (c) Reasonable attorney fees and costs.

111 Section 2. Subsection (22) is added to section 775.15,
112 Florida Statutes, to read:

113 775.15 Time limitations; general time limitations;
114 exceptions.—

115 (22) (a) A prosecution for a misdemeanor violation of s.
116 784.049 must be commenced within 5 years after the commission of

591-02564-25

20251084c1

117 the offense or within 3 years after the date on which the victim
118 obtains knowledge of the offense or should have obtained such
119 knowledge by the exercise of due diligence.

120 (b) A prosecution for a felony violation of s. 784.049 must
121 be commenced within 7 years after the commission of the offense
122 or within 3 years after the date on which the victim obtains
123 knowledge of the offense or should have obtained such knowledge
124 by the exercise of due diligence.

125 Section 3. This act shall take effect October 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1084
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil
Justice, *Chair*
Appropriations
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN

33rd District

March 20, 2025

Chair Garcia
Appropriations Committee on Criminal and Civil Justice
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1084 Sexual Cyberharassment

Dear Chair ,

Please allow this letter to serve as my respectful request to place SB 1084 Sexual Cyberharament, on the next committee agenda.

SB 1084 provides criminal penalties for people who sexually cyberharass other persons with specified intent or purpose; authorizing an aggrieved person to initiate a civil action to recover punitive damages; providing time limitations for commencing prosecution for violations of sexual cyberharassment.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

REPLY TO:

- 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1084

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Sexual Cyberharassment

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1084 amends s. 784.049, F.S., to include legislative findings, that a person depicted in a digitally forged intimate image created by or taken with the person’s consent retains a reasonable expectation that the image will remain private despite sharing the image with another person.

The bill provides in the definition of “sexually cyberharass,” that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it*. The definition of “sexually explicit image,” is expanded to include *a digitally forged intimate image*.

Generally, the crime of sexual cyberharassment is a first degree misdemeanor. Under the bill, a person who commits this offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony.

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony, and a second degree felony for a second or subsequent offense.¹

¹ A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

The bill provides punitive damages as a remedy for violation of this section.

The bill also provides definitions of the terms “digitally forged intimate image” and “nudity.”

In addition, the bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment in the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence; and,
- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

The bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections. See Section V. Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Nonconsensual Pornography

The term “revenge porn” is now common in popular usage. It commonly involves one person posting on the Internet sexual images of a former partner following a breakup. In more academic parlance, it is defined as “describing a subset of nonconsensual pornography published for vengeful purposes.”²

Couples may take pictures of each other in sexual situations, but that does not typically imply consent to traffic in such images outside of the relationship. “Nonconsensual pornography” may thus be defined generally as “distribution of sexually graphic images of individuals without their consent.”

“The phrase ‘nonconsensual pornography’ encompasses ‘images originally obtained without consent (e.g., hidden recordings or recordings of sexual assaults) as well as images originally obtained with consent, usually within the context of a private or confidential relationship.’³

Nonconsensual distribution of intimate images is when someone takes or shares an intimate Revenge porn isn't limited to romantic partners. A co-worker, family member, or stranger could also gain access to your private images and share them publicly for a variety of reasons. Forty-six states and the District of Columbia have laws against revenge porn.⁴

² *State v. VanBuren*, 2018 VT 95, 2019 WL 2406957 (VT 2019).

³ *Id.*

⁴ Webmd, *What is Revenge Pornography?*, Medically Reviewed by Jennifer Robinson, MD on November 4, 2024, available at <https://www.webmd.com/sex-relationships/revenge-porn> (last visited March 10, 2025).

In *State v. VanBuren*, 2018 VT 95, The Vermont court strongly emphasized the extreme harm that revenge porn may cause:

The harm to the victims of nonconsensual pornography can be substantial. Images and videos can be directly disseminated to the victim's friends, family, and employers; posted and “tagged” (as in this case) so they are particularly visible to members of a victim's own community; and posted with identifying information such that they catapult to the top of the results of an online search of an individual's name. In the constellation of privacy interests, it is difficult to imagine something more private than images depicting an individual engaging in sexual conduct, or of a person's genitals, anus, or pubic area, that the person has not consented to sharing publicly. The personal consequences of such profound personal violation and humiliation generally include, at a minimum, extreme emotional distress.⁵

Deep Fakes

Deepfakes represent a subset of the general category of “synthetic media” or “synthetic content.” Many popular articles on the subject define synthetic media as any media which has been created or modified through the use of artificial intelligence/machine learning (AI/ML), especially if done in an automated fashion. Deepfakes continue to pose a threat for individuals and industries, including potential largescale impacts to nations, governments, businesses, and society, such as social media disinformation campaigns operated at scale by well-funded nation state actors. Experts from different disciplines whose research interests intersect at deepfakes tend to agree that the technology is rapidly advancing, and the high cost of producing top-quality deepfake content is declining. As a result, we expect an emerging threat landscape wherein the attacks will become easier and more successful, and the efforts to counter and mitigate these threats will need orchestration and collaboration by governments, industry, and society.⁶

Non-consensual pornography emerged as the catalyst for proliferating deepfake content and still represents a majority of AI-enabled synthetic content in the wild. In October 2020, researchers reported over 100,000 computer-generated fake nude images of women created without their consent or knowledge, according to Sensity AI, a firm that specializes in deepfake content and detection. Some of these nude images apparently depicted under-aged individuals as well. The

⁵ *State v. Vanburen*, 2018 VT 95 (VT 2019) (The Vermont Supreme Court held that the law prohibiting nonconsensual distribution of an intimate image was narrowly tailored enough to effectuate Vermont's compelling governmental interest in protecting individual privacy it would likely be upheld. The court indicated that its reasoning was based on the “U.S. Supreme Court's recognition of the relatively low constitutional significance of speech relating to purely private matters, evidence of potentially severe harm to individuals arising from nonconsensual publication of intimate depictions of them, and a litany of analogous restrictions on speech that are generally viewed as uncontroversial and fully consistent with the First Amendment.”).

⁶ Homeland Security, *Increasing Threat DeepFake Identities*, available at https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited March 10, 2025).

creators used an ecosystem of bots on the messaging platform Telegram to facilitate sharing, trading, and selling services associated with deepfake content.^{7,8}

Sexual Cyberharassment

Section 784.049, F.S., provides that “sexual cyberharass” means to publish to an internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person’s consent, contrary to the depicted person’s reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image. A person who willfully and maliciously sexually cyberharasses another person commits a first degree misdemeanor.⁹

A person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment commits a third degree felony.

A “Sexually explicit image” is any image depicting nudity,¹⁰ or depicting a person engaging in sexual conduct.^{11,12}

III. Effect of Proposed Changes:

The bill amends s. 784.049, F.S., to revise legislative findings, that a person depicted in a digitally forged intimate image created by or taken with the person’s consent retains a reasonable expectation that the image will remain private despite sharing the image with another person.

⁷ Siladitya Ray, Forbes, 20 Oct. 2020 | *Bot Generated Fake Nudes of Over 100,000 Women Without Their Knowledge, Says Report*, available at <https://www.forbes.com/sites/siladityaray/2020/10/20/bot-generated-fake-nudes-of-over-100000-women-without-their-knowledge-says-report/> (last visited March 13, 2025).

⁸ Karen Hao |MIT Technology Review| *Deepfake Porn is Ruining Women’s Lives. Now the Law My Finally Ban It*, available at <https://www.technologyreview.com/2021/02/12/1018222/deepfake-revenge-porn-coming-ban/> (last visited March 10, 2025).

⁹ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and \$1,000 fine, as provided in ss. 775.082 and 775.083.

¹⁰ “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not under any circumstance constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding. Section 847.001(11), F.S.

¹¹ “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”, Section 847.001(19), F.S.

¹² Section 784.049(2)(c), F.S.

Sexual Cyberharass

The bill provides in the definition of “sexually cyberharass,” that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it.*

The definition of “sexually explicit image,” is expanded to include *a digitally forged intimate image.*

Generally, the crime of sexual cyberharassment is a first degree misdemeanor. Under the bill, a person who commits this offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony.

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony, and a second degree felony for a second or subsequent offense.¹³

The bill provides punitive damages as a remedy for violation of this section.

The bill provides the definitions of the following terms:

- “Digitally forged intimate image” is any intimate image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.
- “Nudity” is the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully or opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

Statute of Limitations

The bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.

¹³ A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

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 provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) 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 17 new commitments to prison for commercial sexual activity of a child under 18 years of age. Four of these commitments received life sentences, and three received sentences that would have them released within the five-year forecast window. However, it is not known how many of these offenders would fit the criteria described in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 784.049 section of the Florida Statutes.

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 March 18, 2025:

The committee substitute:

- Provides a definition for the term “Nudity” that is consistent with other sections of the Florida Statutes.
- Revises the definition of “Digitally forged intimate image” to be more consistent with language about altered or generated images in other statutes.
- Revises language to provide that “absent affirmative consent to disseminate, the depicted person maintains his or her reasonable expectation of privacy.”
- Revises language to provide that sexually explicit images include a digitally forged intimate image.
- Adds legislative intent language that a person who creates a digitally forged image of themselves, or the image is created with his or her consent, remains an expectation of privacy.
- Increases the time limitation for the prosecution of misdemeanor and felony violations of sexual cyberharassment.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Gruters

591-03129-25

20251140c1

A bill to be entitled

An act relating to a criminal offender substance abuse pilot program; creating s. 948.22, F.S.; creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; specifying that eligible participants shall be advised of the program before entering a plea; providing for design and implementation of the program; specifying how long a person may participate in the program; providing that participants are entitled to an attorney at any court hearing related to the program; providing requirements for the program; authorizing a court to terminate probation and participation in the program or place a person on administrative probation under specified circumstances related to the program; specifying personnel requirements; authorizing subgrants for personnel needs; specifying that program participation does not supersede ignition interlock requirements; requiring program evaluation by a specified date; requiring a report to certain officials by a specified date; providing for repeal of provisions; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 948.22, Florida Statutes, is created to read:

948.22 Substance Abuse Accountability Pilot Program.—

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-03129-25

20251140c1

(1) A Substance Abuse Accountability Pilot Program is established in Hillsborough County from October 1, 2025, through September 30, 2027.

(2) (a) Among persons convicted of a felony or first-degree misdemeanor and who are placed on probation, for which abstention from alcohol or controlled substances is a condition of compliance, a court shall designate a subset identified as eligible for the program. Among this eligible pool, individuals will be randomly assigned to participate in the program. All persons deemed eligible shall have the same probability of assignment to the program and shall participate in the program if assigned. No more than 150 offenders may participate in the program at any one time.

(b) Prior to entering any plea agreement that includes a term of probation and any condition of compliance that would make a person eligible for the program, the person must be explicitly advised that he or she may be randomly assigned to participate in the program. All terms and conditions of the program shall be explained to the person, and the person shall acknowledge in writing that he or she understands such terms and conditions and is entering a plea freely and voluntarily.

(3) The sheriff of the participating county, in consultation with the chief judge of the judicial circuit, the state attorney, and the Department of Corrections, shall design and implement the program. The sheriff may contract with a third party to assist with program design and implementation. However, the program established under this section must include all of the following elements:

(a) Notwithstanding any other law, the sheriff shall manage

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-03129-25

20251140c1

the supervision of all participants during their participation in the program. Upon discharge from the program, the participants shall be managed in accordance with current law for any remaining term of supervision.

(b) Participants shall attend an in-person judicial hearing at which a judge shall explain to the participants all program conditions and sanctions for noncompliance. A participant's term of participation in the program shall be for the same length as the term of probation for which he or she was sentenced, except as provided in paragraph (k), but may not exceed the expiration of the program. Participants are entitled to an attorney at any court hearing related to the program. A court shall appoint a public defender for a participant who is eligible to be represented by a public defender under s. 27.51.

(c) A participant who is ordered to abstain from alcohol shall be tested twice per day by mobile breath alcohol testing. Testing shall be completed in person at the participating county sheriff's office or an alternate location designated by the sheriff's office, approximately 12 hours apart. However, if a court determines that in-person testing is unreasonably burdensome to a participant, the participant may instead be ordered to wear a continuous monitoring device capable of detecting and signaling the presence of alcohol.

(d) A participant who is ordered to abstain from controlled substances shall be tested randomly, at least twice every 7 days, with no fewer than 60 hours between tests. Testing shall be completed in person at the participating county sheriff's office or an alternate location designated by the sheriff's office, by a method determined by the sheriff.

591-03129-25

20251140c1

(e) A missed test, failed test, or alert by a continuous monitoring device of a positive test result shall be probable cause that a participant has committed a violation of the program.

(f) If there is probable cause that a participant has committed a violation of the program, the participant shall be arrested at the earliest opportunity and held in county jail until an appearance before a judge which must occur no later than 24 hours after the participant's arrest.

(g) Upon a judicial finding that a participant has committed a violation of the program, the participant shall be ordered to serve 24 hours in county jail, with credit for time served between his or her arrest and the judicial finding of a violation. The court may not waive or modify any penalties required under this paragraph.

(h) A participant who is arrested and held in custody under this section whose alleged violation is not adjudicated within 24 hours of his or her arrest must be released at the earliest possible opportunity. Release of a participant under this paragraph does not end the offender's participation in the program.

(i) A court may reduce the frequency of testing for alcohol consumption to once per day for a participant who has zero adjudicated program violations for 60 consecutive days.

(j) A court may reduce the frequency of testing for controlled substances to once per week for a participant who has zero adjudicated program violations for 6 consecutive months.

(k) Upon successful completion of half the term of participation, the court may place the person on administrative

591-03129-25 20251140c1

117 probation pursuant to s. 948.013 for the remainder of the term
 118 of supervision, or may terminate the person's probation and
 119 participation in the program.

120 (l) Upon five adjudicated violations of program conditions,
 121 a court may discharge the participant from the program and
 122 sentence the offender as authorized by law. Nothing in this
 123 paragraph shall preclude a court from modifying the conditions
 124 of a participant's supervision, including revocation of
 125 supervision, upon any other violation of supervision conditions.

126 (m) Participants shall pay all fees associated with
 127 participation in the program. However, a court may reduce or
 128 eliminate program fees for a participant who has been declared
 129 indigent.

130 (4) The program established under this section shall
 131 include a program coordinator, whose duties shall include
 132 identifying and hiring personnel to ensure efficient
 133 administration of the program. The sheriff of the participating
 134 county may make subgrants to any appropriate agency for hiring
 135 personnel under this subsection.

136 (5) A court may not order participation in the program in
 137 lieu of mandatory placement of an ignition interlock device as
 138 described in s. 316.193.

139 (6) By June 30, 2028, the Attorney General shall complete
 140 an evaluation of the program's effectiveness. The Attorney
 141 General shall determine the metrics to be evaluated and may
 142 contract with a third party to conduct any program evaluations.

143 (7) A report on the pilot program, which must include the
 144 number of program participants, the number of program
 145 violations, and the number of successful program completions,

591-03129-25 20251140c1

146 shall be delivered to the Governor, the President of the Senate,
 147 and the Speaker of the House of Representatives by November 30,
 148 2028.

149 (8) This section is repealed November 30, 2028.

150 Section 2. For fiscal year 2025-2026, the nonrecurring sum
 151 of \$2.5 million to the sheriff in Hillsborough County shall be
 152 appropriated from the Opioid Settlement Trust Fund. Funds
 153 appropriated under this section may be used for any expenses
 154 related to establishing and administering the program through
 155 September 30, 2027, including personnel, equipment, training and
 156 technical assistance, payments for jail space, data collection,
 157 program evaluations, and program fees for indigent participants.

158 Section 3. This act shall take effect July 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1140
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: April 4, 2025

I respectfully request that **Senate Bill # 1140**, relating to Criminal Offender Substance Abuse Pilot Program, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/10/25
Meeting Date

App. Comm. on CJ
Committee

1140
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hunter Flack Phone 850-491-1229

Address 108 S. Monroe Email hunter@flapartners.com
Street

Tallahassee FL
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Niskanen Center

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



267094

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Gruters) recommended the following:

Senate Amendment

Delete lines 65 - 91
and insert:
conditions and sanctions for noncompliance. Except as provided
in paragraph (k), a participant's term of participation in the
program shall be for the same length as the term of probation
for which he or she was sentenced, but may not exceed the
expiration of the program. Participants are entitled to an
attorney at any court hearing related to the program. A court



267094

11 shall appoint a public defender for a participant who is
12 eligible to be represented by a public defender under s. 27.51.

13 (c) A participant who is ordered to abstain from alcohol
14 shall be tested twice per day by mobile breath alcohol testing.
15 Testing shall be completed in person at the participating county
16 sheriff's office or an alternate location designated by the
17 sheriff's office, approximately 12 hours apart. However, if a
18 court determines that in-person testing is unreasonably
19 burdensome to a participant, the participant may instead be
20 ordered to wear a continuous monitoring device capable of
21 detecting and signaling the presence of alcohol.

22 (d) A participant who is ordered to abstain from controlled
23 substances shall be tested randomly, at least twice every 7
24 days, with no fewer than 60 hours between tests. Testing shall
25 be completed in person at the participating county sheriff's
26 office or an alternate location designated by the sheriff's
27 office, by a method determined by the sheriff.

28 (e) A missed test, failed test, or alert by a continuous
29 monitoring device of a positive test result shall be probable
30 cause that a participant has committed a violation of the
31 program. However, the presence of a federally approved
32 medication lawfully prescribed to a participant for the
33 treatment of a substance use disorder shall not constitute a
34 failed test or positive test result for purposes of establishing
35 probable cause under this paragraph.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1140

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee and Senator Gruters

SUBJECT: Criminal Offender Substance Abuse Pilot Program

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.	Kolich	Harkness	ACJ	Fav/CS
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1140 creates s. 948.22, F.S., to establish a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

The bill requires the court to designate a subset of identified eligible persons for such program. A person is eligible if such person is convicted of a felony or first degree misdemeanor, and placed on probation, for which abstaining from alcohol or a controlled substance is a condition of such release. Individuals will be randomly assigned to participate in the program and no more than 150 offenders may participate at any one time. A defendant must be explicitly advised he or she may be randomly assigned to the program, and all terms and conditions must be explained prior to entering any plea agreement that would make such person eligible. A defendant will remain in the program for the same length of time as the term of probation. Upon successful completion of half the term of participation in the program, such person is eligible for early termination of probation and participation in the program.

The bill requires the sheriff of Hillsborough County, in consultation with the chief judge of the Thirteenth Judicial Circuit, the state attorney, and the Department of Corrections (DOC), to design and implement the pilot program. The program must include specified elements.

The program must include a program coordinator, whose duties must include identifying and hiring personnel to ensure efficient administration of the program. The sheriff may make subgrants to any appropriate agency for hiring personnel.

A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device. The court may reduce or eliminate program fees for a participant who has been declared indigent.

By June 30, 2028, the Attorney General must complete an evaluation of the program's effectiveness, determine the metrics to be evaluated, and may contract with a third party to conduct any program evaluations. A report on the pilot program, including the number of participants, the number of program violations, and the number of successful program completions, must be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

The bill appropriates the nonrecurring sum of \$2.5 million from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

As of July 2024, 48 adult drug courts, 14 juvenile drug courts, 13 dependency drug courts, and four DUI courts are in operation in Florida. Florida's drug courts admitted 3,347 participants in 2023.¹

Conditions of Release

As a condition of pretrial release, the defendant must comply with all conditions of pretrial release imposed by the court. The court may order a defendant to refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner.² The court may also order a defendant to undergo medical, psychological, psychiatric, mental health, or substance abuse evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution for that purpose.³

Section 907.041, F.S., provides a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release, unless such person is charged with a dangerous crime as defined in s. 907.041(5), F.S. or such person is an unauthorized alien charged with a forcible felony as defined in s. 907.041(6). A person charged with a dangerous crime shall be released on monetary conditions if such conditions are necessary to:⁴

- Assure the presence of the person at trial or at other proceedings;

¹ Florida Courts, Office of Problem-Solving Courts, *Drug Courts*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts/Drug-Courts> (last visited April 4, 2025).

² Section 903.047(1)(c)7., F.S.

³ Section 903.047(1)(c)8., F.S.

⁴ Section 907.041(3)(a), F.S.

- Protect the community from risk of physical harm to persons;
- Assure the presence of the accused at trial;
- Assure the integrity of the judicial process.

Probation, Community Control, and Conditional Release

A court may sentence an offender to probation or community control in lieu of, or in addition to, incarceration.⁵ Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions, including, but not limited to, a person:

- Submitting to random testing as directed by his or her probation officer or the professional staff of the treatment center where he or she is receiving treatment to determine the presence or use of alcohol or controlled substances;
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics unless prescribed by a physician, an advanced practice registered nurse, or a physician assistant; and
- Remaining away from places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.⁶

Community control is a more intensive form of supervision involving an individualized program that restricts an offender's movement within the community, home, or noninstitutional residential placement.⁷ Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law. The court may also impose special conditions of probation or community control as it considers proper. Following incarceration, offenders who qualify under Florida's "Conditional Release Program Act" may be released under supervision subject to specified terms and conditions determined by the Florida Commission on Offender Review (FCOR).⁸

Alternative Sanctioning Program

Under s. 948.06(9), F.S., each judicial circuit must establish an alternative sanctioning program (ASP), and the chief judge may, by administrative order, define additional sanctions or eligibility criteria and specify the process for reporting technical violations through the ASP. Any sanctions recommended for imposition through an ASP must be submitted to the court by the probation officer for approval before imposition.⁹

The participation of a probationer or an offender on community control in an ASP is voluntary, and such participant may waive or discontinue participation in the program at any time before the court imposes a recommended sanction.¹⁰

A probationer or offender on community control who commits a technical violation that is eligible for an ASP may:

⁵ Section 948.01, F.S. and Section 948.012

⁶ Section 948.03(1), F.S.

⁷ Section 948.001(3), F.S.

⁸ FCOR is authorized under s. 8(c), Art. IV of the State Constitution and responsible for granting and revoking parole and investigating applications for clemency as directed by the Governor and Cabinet. Section 20.32, F.S.

⁹ Section 948.06(9)(a), F.S.

¹⁰ Section 948.06(9)(g), F.S.

- Waive participation in the program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court; or
- Elect to participate in the program after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, and admit the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:
 - Be represented by legal counsel;
 - Require the state to prove his or her guilt before a neutral and detached hearing body;
 - Subpoena witnesses and present to a judge evidence in his or her defense;
 - Confront and cross-examine adverse witnesses; and,
 - Receive a written statement from a judge as to the evidence relied on and the reasons for the sanction imposed.¹¹

Additionally, if the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court with documentation reflecting the probationer's admission to the technical violation and agreement with the recommended sanction.

The court may impose the recommended sanction or direct the DOC to submit a violation report, affidavit, and warrant to the court.¹² If a probationer or offender on community control waives or discontinues participation in the program or fails to successfully complete all alternative sanctions within 90 days after imposition or within the timeframe specified in the agreed-upon sanction, the probation officer may submit a violation report, affidavit, and warrant to the court. A prior admission by the probationer or offender on community control to a technical violation may not be used as evidence in subsequent proceedings.¹³

Violations under an ASP are classified as “low” or “moderate.” In relevant part, a “low-risk” violation includes:

- A positive drug or alcohol test result;
- Failure to report to the probation office;
- Failure to report a change in address or other required information;
- Failure to attend a required class, treatment or counseling session, or meeting;
- Failure to submit to a drug or alcohol test;
- A violation of curfew;
- Failure to meet a monthly quota on any required probation condition, including, but not limited to, making restitution payments, paying court costs, or completing community service hours;
- Leaving the county without permission;
- Failure to report a change in employment;
- Associating with a person engaged in criminal activity; or,
- Any other violation as determined by administrative order of the chief judge of the circuit.¹⁴

¹¹ Section 948.06(9)(h), F.S.

¹² Section 948.06(9)(i), F.S.

¹³ Section 948.06(9)(j), F.S.

¹⁴ Section 948.06(9)(b), F.S.

For a first or second “low-risk” violation within the current term of supervision, a probation officer may offer an eligible probationer one or more of the following as an alternative sanction:

- Up to 5 days in the county jail;
- Up to 50 additional community service hours;
- Counseling or treatment;
- Support group attendance;
- Drug testing;
- Loss of travel or other privileges;
- Curfew for up to 30 days; or,
- House arrest for up to 30 days.¹⁵

Administrative Probation

Under s. 948.013, F.S., the DOC may transfer an offender to administrative probation if he or she presents a low risk of harm to the community and has satisfactorily completed at least half of his or her probation term. The DOC may establish procedures for transferring an offender to administrative probation, but specified offenders are ineligible for placement on administrative probation, including individuals who were sentenced to or serving a term of probation or community control for:

- Kidnapping or false imprisonment under s. 787.01, F.S., or s. 787.02, F.S., where the victim is under age 13 and the defendant is not the victim's parent;
- Luring or enticing a child under s. 787.025, F.S.;
- Human trafficking under s. 787.06(3)(g), F.S.;
- Sexual battery under ch. 794, F.S.;
- Former s. 796.03, F.S.;
- Lewd or lascivious offenses against or in the presence of a person under 16 years of age, under s. 800.04, F.S.;
- Lewd or lascivious battery against an elderly or disabled person under s. 825.1025(2)(b), F.S.;
- Sexual performance by a child or child pornography under s. 827.071, F.S.;
- Obscenity under s. 847.0133, F.S.;
- Online solicitation of a minor, computer pornography, traveling to meet a minor, or prohibited computer usage under s. 847.0135, F.S.;
- Buying or selling minors under s. 847.0145, F.S.; or,
- Offenses related to sexual predator and sexual offender status under s. 775.21(4)(a)1.a. or b., F.S. or s. 943.0435(1)(h)1.a., F.S. committed on or after October 1, 2017.

Problem Solving Courts

Diversion is authorized in both pre-arrest and post-arrest actions. There are several different types of diversion programs, sometimes referred to as “problem-solving courts” such as pretrial intervention, drug diversion, traffic diversion, and juvenile diversion.

¹⁵ Section 948.06(9)(e), F.S.

In 1989, Florida started the national problem-solving court movement by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed, using the drug court model, and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, child abuse neglect, and homelessness.¹⁶

Problem-solving courts offer a specialized court docket and include, but are not limited to, the following elements:

- Problem solving team, a broad-based team of justice system stakeholders including judges, case managers, prosecutors, defense attorneys, treatment professionals, law enforcement officers, correctional personnel, and guardians ad litem;
- Non-adversarial approach, a commitment to offering alternatives to the traditional adversarial litigation process;
- Continuum of individualized treatment services, an array of evidence-based services designed to identify and meet the unique needs of each participant;
- Judicial leadership and interaction, a judge who leads the problem-solving team and monitors the court case using an increased number of hearings for monitoring compliance and progress; and,
- Response to participant compliance, the use of graduated, individualized, and coordinated responses, both for incentives and sanctions, to promote both public safety and participant's success.¹⁷

Hillsborough County Adult Drug Recovery Court

The Adult Drug Recovery Court is designed to treat and assist those individuals whose drug and alcohol problems have resulted in being charged with a third degree felony.¹⁸

To be eligible, individuals must score less than 60 points on the Criminal Conduct Scoresheet and agree to receiving treatment. Drug offender probation usually involves drug treatment, increased contact with the probation officer, more frequent urine screens, and support group attendance, if recommended. Relapse or other violations of the terms of probation do not automatically result in a prison sentence. The court is well aware of the difficulties of establishing sobriety and is willing to work with individuals who are making the effort to stay clean. Violations normally result in a re-evaluation with another, usually more intense, treatment episode.¹⁹

Hillsborough County Drug Pretrial Intervention

The Adult Pretrial Intervention Court (DPTI) allows first and second time drug offenders the opportunity to avoid having a felony conviction on their record. After completing a background

¹⁶ Florida Courts, Office of Problem-Solving Courts, *Background*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited April 4, 2025).

¹⁷ Florida Courts, Office of Problem-Solving Courts, *Defining Elements*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited April 4, 2025).

¹⁸ Thirteenth Judicial Circuit, Hillsborough County, *About Problem Solving Courts*, available at: <https://www.fljud13.org/CourtPrograms/ProblemSolvingCourts/AboutProblemSolvingCourts.aspx> (last visited April 4, 2025).

¹⁹ *Id.* Adult Drug Court, FAQs

check, the defendant signs a contract in which he or she agrees to complete a drug treatment program and the State Attorney's Office agrees to drop the charges upon successful completion of that program.²⁰

Any person over the age of 18 who is a first or second time drug offender, who has not had previous pretrial intervention episodes is eligible provided they waive their right to a speedy trial, admit to having a drug problem, and express a desire for treatment. Treatment involves group and individual counseling, urine screens, support group attendance, and acupuncture. The frequency of treatment will be dependent on an individual's needs and resources, however, the amount of treatment gradually decreases as the individual progresses. Defendants are also required to meet regularly with a DOC probation officer and attend case reviews in front of the judge.²¹

To enter into such program, the defendant must agree to submit to random urine, breath, and other drug and alcohol testing no less than two times per week throughout the participation in the program or as otherwise directed by the court. Additionally, the defendant must agree to pay specified costs of the DPTI program.²²

III. Effect of Proposed Changes:

The bill creates s. 948.22, F.S., to create a substance abuse accountability pilot program in Hillsborough County from October 1, 2025, to September 30, 2027.

The bill requires the court to identify and designate a subset of eligible persons for such program. A person is eligible if such person is:

- Convicted of a felony or first degree misdemeanor;
- Placed on probation; and
- Required to abstain from alcohol or a controlled substance as a condition of such release.

Individuals will be randomly assigned to participate in the program. All persons deemed eligible have the same probability of assignment, and no more than 150 offenders may participate at any one time. A defendant must be explicitly advised he or she may be randomly assigned to the program and all terms and conditions must be explained prior to entering any plea agreement that would make such person eligible.

The bill requires the sheriff of Hillsborough County, in consultation with the chief judge of the Thirteenth Judicial Circuit, the state attorney, and the DOC, to design and implement the pilot program. The program must include the following elements:

- The sheriff must manage the supervision of all participants during their participation in the program. Upon discharge, the participant must be managed in accordance with current law or for any remaining term of supervision.

²⁰ *Id.*

²¹ *Id.* Drug Pretrial Intervention, FAQs

²²Thirteenth Judicial Circuit Court, *DPTI Program Agreement*, available at:

https://www.fljud13.org/Portals/0/Forms/word_docs/ProblemSolvingCourts/JudgeRice/DPTIAGRMNTFINALPlusExhibitA_042921.docx?ver=2021-05-03-103429-923 (last visited April 4, 2025).

- Participants must attend an in-person judicial hearing at which the judge must explain to the participants all program conditions and sanctions for noncompliance. A defendant will remain in the program for the same length of time as the term of probation. Upon successful completion of half the term of participation in the program, such person is eligible for early termination of probation and participation in the program.
- A participant ordered to abstain from alcohol must be tested twice per day by mobile breath alcohol testing approximately 12 hours apart. Testing must be completed in person at Hillsborough County Sheriff's Office or an alternative location designated by the sheriff's office. A court may reduce the frequency of testing to once per day for a participant who has zero adjudicated program violations for 60 consecutive days.
- A participant ordered to abstain from controlled substances must be tested randomly, at least twice every seven days, with no fewer than 60 hours between tests. Testing must be completed at Hillsborough County Sheriff's Office or an alternate location designated by the sheriff's office, by a method determined by the sheriff. A court may reduce the frequency of testing to once per week for a participant who has zero adjudicated program violations for 6 consecutive months.
- Missed tests, failed tests, or alerts by a continuous monitoring device of a positive test result is probable cause that a participant has committed a violation of the program. However, the presence of a federally approved medication lawfully prescribed to a participant for the treatment of a substance use disorder shall not constitute a failed test or positive test result for purpose of establishing probable cause. If such probable cause exists, the participant must be arrested at the earliest opportunity and held in county jail until an appearance before a judge no later than 24 hours after the participant's arrest.
- Upon a judicial finding that a participant violated the program, the participant must serve 24 hours in county jail, with credit for time served between the arrest and the judicial finding. Penalties may not be waived or modified.
- A participant arrested and held, and whose alleged violation is not adjudicated within 24 hours of the arrest must be released at the earliest possible opportunity. Release does not terminate the person's participation in the program.
- Upon five adjudicated violations of program conditions, a court may discharge the participant from the program and sentence the person as authorized by law. The court is not precluded from modifying the conditions of a participant's supervision, including revocation, upon any other violation of supervision conditions.
- Participants must pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.
- If a court determines that in-person mobile breath alcohol testing is unreasonably burdensome to a participant, the participant may instead be ordered to wear a continuous monitoring device capable of detecting and signaling the presence of alcohol.

The program must include a program coordinator, whose duties must include identifying and hiring personnel to ensure efficient administration of the program. The sheriff may make subgrants to any appropriate agency for hiring personnel.

A court may not order participation in the program in lieu of mandatory placement of an ignition interlock device.

By June 30, 2028, the Attorney General must complete an evaluation of the program's effectiveness, determine the metrics to be evaluated, and may contract with a third party to conduct any program evaluations. A report on the pilot program, including the number of participants, the number of program violations, and the number of successful program completions, must be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 30, 2028.

Additionally, the bill provides that for Fiscal Year 2025-2026, a nonrecurring sum of \$2.5 million shall be appropriated from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. Funds may be used for any expenses related to establishing and administering the program through September 30, 2027, including personnel, equipment, training and technical assistance, payments for jail space, data collection, program evaluations, and program fees for indigent participants.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 bill appropriates the nonrecurring sum of \$2.5 million from the Opioid Settlement Trust Fund to the sheriff of Hillsborough County. The funds may be used for expenses relating to establishing and administering the program including program fees for indigent participants. The bill requires participants to pay all fees associated with participation in the program. However, a court may reduce or eliminate program fees for a participant who has been declared indigent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 948.22 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:**

The committee substitute provides that the presence of a federally approved medication lawfully prescribed to a participant for the treatment of a substance use disorder does not constitute a failed test or positive test result for purpose of establishing probable cause for a violation of the program.

CS by Criminal Justice on April 1, 2025:

This committee substitute:

- Modifies the eligibility of the program to include only persons convicted of a felony or first degree misdemeanor and who are placed on probation.
- Requires a person must be explicitly advised he or she may be randomly assigned to the program and all terms and conditions must be explained prior to entering any plea agreement making such person eligible.
- Provides a person will remain in the program for the same length of time as the term of probation and allows for a person to early terminate probation and participation in the program after successful completion of half the term of participation in the program.
- Allows a court to eliminate program fees for a participant who has been declared indigent.
- Requires reporting to include the number of program participants, the number of program violations, and the number of successful program completions.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Gaetz

591-02819-25

20251180c1

A bill to be entitled

An act relating to sexual images; amending s. 827.071, F.S.; defining terms and revising definitions; making technical changes; amending s. 836.13, F.S.; defining terms; providing criminal penalties for persons who willfully and maliciously generate or possess an altered sexual depiction of an identifiable person without the consent of the identifiable person; providing exceptions; specifying what is not considered a defense to the offenses; authorizing an aggrieved person to initiate a civil action against persons who violate specified provisions; revising applicability; amending s. 921.0022, F.S.; ranking offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1), (2), and (3) of section 827.071, Florida Statutes, are amended, and subsections (4), (5), and (6) of that section are republished, to read:

827.071 Sexual performance by a child; child pornography; penalties.—

(1) As used in this section, the term ~~following definitions shall apply~~:

(a) "Anus" means the end of the gastrointestinal tract and the opening of the rectum to the outside of the body.

(b) "Child" or "minor" means any person, whose identity is

591-02819-25

20251180c1

known or unknown, younger than 18 years of age.

~~(c)-(b)~~ "Child pornography" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

~~(d)-(e)~~ "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

~~(e)-(d)~~ "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

~~(f)-(e)~~ "Identifiable minor" means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

The term may not be construed to require proof of the actual identity of the identifiable minor.

~~(g)-(f)~~ "Intentionally view" means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

591-02819-25

20251180c1

(h) "Male genitals" includes the penis and the scrotum.

~~(i)-(g)~~ "Performance" means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

~~(j)-(h)~~ "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

~~(k)-(i)~~ "Somasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

~~(l)-(j)~~ "Sexual battery" means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object. The term, however, "sexual battery" does not include an act done for a bona fide medical purpose.

~~(m)-(k)~~ "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or female genitals of the other.

~~(n)1.(1)~~ "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or somasochistic abuse; actual or simulated lewd exhibition of the genitals or anus; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act

591-02819-25

20251180c1

or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct." The term includes masturbation by a person in the presence of a child or ejaculation on any part of a child's body or clothing.

2. As used in subparagraph 1., the term "actual or simulated lewd exhibition of the genitals or anus" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

a. The focal point of the image is on the minor's genitals or anus;

b. The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

c. The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;

d. The image suggests sexual coyness or a willingness to engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual response in the viewer.

~~(o)-(m)~~ "Sexual performance" means any performance or part thereof which includes sexual conduct by a child.

~~(p)-(n)~~ "Simulated" means the explicit depiction of conduct set forth in paragraph ~~(n)~~ ~~(1)~~ which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person commits ~~is guilty of~~ the use of a child in a sexual performance if, knowing the character and content

591-02819-25

20251180c1

thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person commits ~~is guilty of~~ promoting a sexual performance by a child if ~~when~~, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) (a) It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The possession, control, or intentional viewing of each such photograph, motion

591-02819-25

20251180c1

picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 2. Section 836.13, Florida Statutes, is amended to read:

836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~; prohibited acts; penalties; applicability.—

(1) As used in this section, the term:

(a) "Altered sexual depiction" means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

591-02819-25

20251180c1

175 1. With the nude body parts of another person as the nude
 176 body parts of the identifiable person;
 177 2. With computer-generated nude body parts as the nude body
 178 parts of the identifiable person; or
 179 3. Engaging in sexual conduct as defined in s. 847.001 in
 180 which the identifiable person did not engage.

181 (b) "Generate" means to create, alter, adapt, or modify any
 182 image by electronic, mechanical, or other computer-generated
 183 means to portray an identifiable person or to offer or agree to
 184 do the same.

185 (c) ~~(b)~~ "Identifiable person" means a person who is
 186 recognizable as an actual person by the person's face, likeness,
 187 or other distinguishing characteristic, such as a unique
 188 birthmark, or other recognizable feature.

189 (d) ~~(e)~~ "Nude body parts" means the human male or female
 190 genitals, pubic area, or buttocks with less than fully opaque
 191 covering; or the female breast with less than a fully opaque
 192 covering of any portion thereof below the top of the nipple; or
 193 the depiction of covered male genitals in a discernibly turgid
 194 state. The term does not under any circumstances include a
 195 mother breastfeeding her baby.

196 (e) "Possess" means to knowingly or intentionally keep,
 197 control, maintain, store, or own, physically or electronically,
 198 any altered sexual depiction of an identifiable person without
 199 the consent of the identifiable person.

200 (f) ~~(d)~~ "Promote" means to issue, sell, give, provide, lend,
 201 mail, deliver, transfer, transmit, transmute, publish,
 202 distribute, circulate, disseminate, present, exhibit, send,
 203 post, share, or advertise or to offer or agree to do the same.

591-02819-25

20251180c1

204 (g) ~~(e)~~ "Visual depiction" includes, but is not limited to,
 205 a photograph, picture, image, motion picture, film, video, or
 206 other visual representation.

207 (2) A person who willfully and maliciously promotes any
 208 altered sexual depiction of an identifiable person, without the
 209 consent of the identifiable person, and who knows or reasonably
 210 should have known that such visual depiction was an altered
 211 sexual depiction, commits a felony of the third degree,
 212 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 213 An act done for a bona fide medical, literary, academic, or
 214 scientific purpose is not a violation of this subsection.

215 (3) A person who willfully and maliciously generates any
 216 altered sexual depiction of an identifiable person, without the
 217 consent of the identifiable person, and who knows or reasonably
 218 should have known that such visual depiction was an altered
 219 sexual depiction, commits a felony of the third degree,
 220 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 221 An act done for a bona fide medical, literary, academic, or
 222 scientific purpose is not a violation of this subsection.

223 (4) A person who willfully and maliciously possesses any
 224 altered sexual depiction of an identifiable person, without the
 225 consent of the identifiable person, and who knows or reasonably
 226 should have known that such visual depiction was an altered
 227 sexual depiction, commits a felony of the third degree,
 228 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 229 An act done for a bona fide medical, literary, academic, or
 230 scientific purpose is not a violation of this subsection.

231 (5) ~~(3)~~ Every act, thing, or transaction prohibited by this
 232 section constitutes a separate offense and is punishable as

591-02819-25

20251180c1

such.

~~(6)(4)~~ The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the ~~generation, possession, creation~~ or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.

~~(7)(5)~~ An aggrieved person may initiate a civil action against a person who violates subsection (2) or subsection (3) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2) or subsection (3), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of subsection (2) or subsection (3), whichever is greater.

(c) Reasonable attorney fees and costs.

~~(8)(6)~~ The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency

591-02819-25

20251180c1

~~engaged in that promotes an altered sexual depiction in connection with~~ the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity; or

(d) A person participating in a hearing, trial, or other legal proceeding.

~~(9)(7)~~ A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

~~(10)(8)~~ Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

Section 3. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

	591-02819-25		20251180c1
286	316.066	3rd	Unlawfully obtaining or
	(3) (b)-(d)		using confidential crash
			reports.
287	316.193(2) (b)	3rd	Felony DUI, 3rd
			conviction.
288	316.1935(2)	3rd	Fleeing or attempting to
			elude law enforcement
			officer in patrol vehicle
			with siren and lights
			activated.
289	319.30(4)	3rd	Possession by junkyard of
			motor vehicle with
			identification number
			plate removed.
290	319.33(1) (a)	3rd	Alter or forge any
			certificate of title to a
			motor vehicle or mobile
			home.
291	319.33(1) (c)	3rd	Procure or pass title on
			stolen vehicle.
292	319.33(4)	3rd	With intent to defraud,
			possess, sell, etc., a

	591-02819-25		20251180c1
			blank, forged, or
			unlawfully obtained title
			or registration.
293	327.35(2) (b)	3rd	Felony BUI.
294	328.05(2)	3rd	Possess, sell, or
			counterfeit fictitious,
			stolen, or fraudulent
			titles or bills of sale of
			vessels.
295	328.07(4)	3rd	Manufacture, exchange, or
			possess vessel with
			counterfeit or wrong ID
			number.
296	376.302(5)	3rd	Fraud related to
			reimbursement for cleanup
			expenses under the Inland
			Protection Trust Fund.
297	379.2431	3rd	Taking, disturbing,
	(1) (e) 5.		mutilating, destroying,
			causing to be destroyed,
			transferring, selling,
			offering to sell,
			molesting, or harassing
			marine turtles, marine

591-02819-25

20251180c1

turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

298

379.2431
(1) (e) 6.

3rd

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of
any marine turtle species
described in the Marine
Turtle Protection Act.

299

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

300

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services
requiring licensure,
without a license.

301

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

302

Page 13 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02819-25

20251180c1

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making
such a report.

303

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

304

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

305

624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

306

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

307

697.08

3rd

Equity skimming.

308

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

Page 14 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02819-25		20251180c1
309	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
310	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
311	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
312	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
313	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
314	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
315			

Page 15 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02819-25		20251180c1
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
316	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
317	812.081(2)	3rd	Theft of a trade secret.
318	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
319	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
320	817.233	3rd	Burning to defraud insurer.
321	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
322	817.234(11)(a)	3rd	Insurance fraud; property

Page 16 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02819-25		20251180c1
			value less than \$20,000.
323	817.236	3rd	Filing a false motor vehicle insurance application.
324	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
325	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
326	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
327	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
328	831.29	2nd	Possession of instruments for counterfeiting driver

Page 17 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02819-25		20251180c1
			licenses or identification cards.
329	836.13(2)	3rd	~~Promoting Person who promotes~~ an altered sexual depiction of an identifiable person without consent.
330	<u>836.13(3)</u>	<u>3rd</u>	<u>Generating an altered sexual depiction of an identifiable person without consent.</u>
331	<u>836.13(4)</u>	<u>3rd</u>	<u>Possessing an altered sexual depiction of an identifiable person without consent.</u>
332	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
333	847.01385	3rd	Harmful communication to a minor.
334	860.15(3)	3rd	Overcharging for repairs and parts.
335	870.01(2)	3rd	Riot.

Page 18 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02819-25 20251180c1

336 870.01(4) 3rd Inciting a riot.

337 893.13(1)(a)2. 3rd Sell, manufacture, or
deliver cannabis (or other
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4)
drugs).

338 893.13(1)(d)2. 2nd Sell, manufacture, or
deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of university.

339 893.13(1)(f)2. 2nd Sell, manufacture, or
deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of public housing

591-02819-25 20251180c1

340 facility.

893.13(4)(c) 3rd Use or hire of minor;
deliver to minor other
controlled substances.

341 893.13(6)(a) 3rd Possession of any
controlled substance other
than felony possession of
cannabis.

342 893.13(7)(a)8. 3rd Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

343 893.13(7)(a)9. 3rd Obtain or attempt to
obtain controlled
substance by fraud,
forgery,
misrepresentation, etc.

344 893.13(7)(a)10. 3rd Affix false or forged
label to package of
controlled substance.

345 893.13(7)(a)11. 3rd Furnish false or
fraudulent material

591-02819-25

20251180c1

information on any
document or record
required by chapter 893.

346

893.13(8)(a)1.

3rd

Knowingly assist a
patient, other person, or
owner of an animal in
obtaining a controlled
substance through
deceptive, untrue, or
fraudulent representations
in or related to the
practitioner's practice.

347

893.13(8)(a)2.

3rd

Employ a trick or scheme
in the practitioner's
practice to assist a
patient, other person, or
owner of an animal in
obtaining a controlled
substance.

348

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

349

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a

Page 21 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02819-25

20251180c1

patient, other person, or
an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

350

918.13(1)

3rd

Tampering with or
fabricating physical
evidence.

351

944.47

3rd

(1)(a)1. & 2.

Introduce contraband to
correctional facility.

352

944.47(1)(c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

353

985.721

3rd

Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

354

355

Section 4. This act shall take effect October 1, 2025.

Page 22 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1180
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **Senate Bill #1180**, relating to Sexual Images, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Don Gaetz", is written over a horizontal line.

Senator Don Gaetz
Florida Senate, District 1



808900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 800.045, Florida Statutes, is created to
read:

800.045 Lewd or lascivious images; penalties.-

(1) As used in this section, the term:

(a) "Identifiable minor" means a person:

1. Who was younger than 16 years of age at the time the



808900

lewd or lascivious image was created, altered, adapted, or
modified, or whose image was used in the creating, altering,
adapting, or modifying of the lewd or lascivious image; and

2. Who is recognizable as an actual person by the person's
face, likeness, or any distinguishing characteristic, such as a
unique birthmark, or any recognizable feature.

The term may not be construed to require proof of the actual
identity of the identifiable minor.

(b) "Intentionally view" has the same meaning as in s.
827.071.

(c) "Lewd or lascivious image" means:

1. Any image depicting lewd or lascivious exhibition in
violation of s. 800.04(7); or

2. Any image that has been created, altered, adapted, or
modified by electronic, mechanical, or other means to portray
lewd or lascivious exhibition in violation of s. 800.04(7)
committed in the presence of an identifiable minor.

(d) "Promote" has the same meaning as in s. 827.071.

(2) It is unlawful for any person to possess with the
intent to promote any photograph, motion picture, exhibition,
show, representation, or other presentation which, in whole or
in part, includes a lewd or lascivious image. The possession of
three or more copies of such photograph, motion picture,
representation, or presentation is prima facie evidence of an
intent to promote. A person who violates this subsection commits
a felony of the second degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

(3)(a) It is unlawful for any person to knowingly solicit,



808900

possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(4) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 2. Paragraph (1) of subsection (1) and subsection (5) of section 827.071, Florida Statutes, are amended, and subsection (6) of that section is republished, to read:



808900

827.071 Sexual performance by a child; child pornography;
penalties.—

(1) As used in this section, the following definitions
shall apply:

(1)1. "Sexual conduct" means actual or simulated sexual
intercourse, deviate sexual intercourse, sexual bestiality,
masturbation, or sadomasochistic abuse; actual or simulated lewd
exhibition of the genitals or anus; actual physical contact with
a person's clothed or unclothed genitals, pubic area, buttocks,
or, if such person is a female, breast, with the intent to
arouse or gratify the sexual desire of either party; or any act
or conduct which constitutes sexual battery or simulates that
sexual battery is being or will be committed. A mother's
breastfeeding of her baby does not under any circumstance
constitute "sexual conduct."

2. As used in subparagraph 1., "actual or simulated lewd
exhibition of the genitals" may be evidenced by the overall
content of an image, taking into account the age of the minor
depicted and, including, but not limited to, whether:

a. The focal point of the image is on the minor's genitals;

b. The setting of the image is sexually suggestive or in a
place or pose generally associated with sexual conduct;

c. The minor is depicted in an unnatural pose, or in
inappropriate attire, considering the age of the minor;

d. The image suggests sexual coyness or a willingness to
engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual
response in the viewer.

(5)(a) It is unlawful for any person to knowingly solicit,



808900

possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 3. Section 827.073, Florida Statutes, is created to read:

827.073 Altered sexual depiction of a minor; prohibited



808900

acts; penalties; applicability.-

(1) As used in this section, the terms:

(a) "Altered sexual depiction," "generate," and "visual depiction" have the same meaning as in s. 836.13.

(b) "Identifiable minor," "intentionally view," and "promote" have the same meaning as in s. 827.071.

(c) "Possess" means to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person, without the consent of the identifiable person.

(2) (a) It is unlawful for a person to knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor. The possession or control of three or more copies of such visual depiction is prima facie evidence of an intent to promote. The possession, control, or intentional viewing of each visual depiction is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who intentionally generates an altered sexual depiction of a minor commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who solicits an altered sexual depiction of a minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



808900

(d) A person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) An aggrieved person may initiate a civil action against a person who violates subsection (2) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of subsection (2), whichever is greater.

(c) Reasonable attorney fees and costs.

(4) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer as defined in s. 943.10, or any local, state, federal, or military law enforcement agency engaged in the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity;



808900

(d) A person participating in a hearing, trial, or other legal proceeding; or

(e) An identifiable person portrayed in an altered sexual depiction who receives an altered sexual depiction of himself or herself.

(5) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(6) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

(7) Any offense under subsection (2) does not include an act done for a bona fide medical, literary, academic, or scientific purpose.

Section 4. Section 836.13, Florida Statutes, is amended to read:

836.13 ~~Promotion of an~~ Altered sexual depictions ~~depiction~~; prohibited acts; penalties; applicability.—

(1) As used in this section, the term:

(a) “Altered sexual depiction” means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

1. With the nude body parts of another person as the nude body parts of the identifiable person;



808900

2. With computer-generated nude body parts as the nude body parts of the identifiable person; or

3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

(b) "Generate" means to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

(c)~~(b)~~ "Identifiable person" means a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

(d)~~(e)~~ "Nude body parts" means the human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. The term does not under any circumstances include a mother breastfeeding her baby.

(e)~~(d)~~ "Promote" means to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(f)~~(e)~~ "Visual depiction" includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.

(2) A person who willfully and maliciously promotes, or possesses with the intent to promote, any altered sexual depiction of an identifiable person, without the consent of the



808900

identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully generates an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who solicits an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(6)~~(4)~~ The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the generation ~~creation~~ or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.

(7)~~(5)~~ An aggrieved person may initiate a civil action against a person who violates subsection (2), subsection (3), or subsection (4) to obtain appropriate relief in order to prevent



808900

or remedy a violation of subsection (2), subsection (3), or
subsection (4), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages
incurred as a result of a violation of subsection (2),
subsection (3), or subsection (4), whichever is greater.

(c) Reasonable attorney fees and costs.

(8)-(6) The criminal and civil penalties of this section do
not apply to:

(a) A provider of an interactive computer service as
defined in 47 U.S.C. s. 230(f), of an information service as
defined in 47 U.S.C. s. 153, or of a communications service as
defined in s. 202.11 which provides the transmission, storage,
or caching of electronic communications or messages of others;
another related telecommunications or commercial mobile radio
service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or
any local, state, federal, or military law enforcement agency
engaged in that promotes an altered sexual depiction in
~~connection with~~ the performance of his or her duties as a law
enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity; ~~or~~

(d) A person participating in a hearing, trial, or other
legal proceeding; or

(e) An identifiable person portrayed in an altered sexual
depiction who receives an altered sexual depiction of himself or
herself.

(9)-(7) A violation of this section is committed within this
state if any conduct that is an element of the offense, or any



808900

harm to the depicted person resulting from the offense, occurs within this state.

(10)(8) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

(11) Any offense under subsection (2), subsection (3), or subsection (4) does not include an act done for a bona fide medical, literary, academic, or scientific purpose.

Section 5. Paragraphs (b), (c), and (d) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs



808900

in violation of the
Marine Turtle
Protection Act.

321

403.413(6)(c)

3rd

Dumps waste litter
exceeding 500 lbs. in
weight or 100 cubic
feet in volume or any
quantity for commercial
purposes, or hazardous
waste.

322

517.07(2)

3rd

Failure to furnish a
prospectus meeting
requirements.

323

590.28(1)

3rd

Intentional burning of
lands.

324

784.03(3)

3rd

Battery during a riot
or an aggravated riot.

325

784.05(3)

3rd

Storing or leaving a
loaded firearm within
reach of minor who uses
it to inflict injury or
death.

326

787.04(1)

3rd

In violation of court



808900

order, take, entice,
etc., minor beyond
state limits.

327

806.13(1)(b)3.

3rd

Criminal mischief;
damage \$1,000 or more
to public communication
or any other public
service.

328

806.13(3)

3rd

Criminal mischief;
damage of \$200 or more
to a memorial or
historic property.

329

810.061(2)

3rd

Impairing or impeding
telephone or power to a
dwelling; facilitating
or furthering burglary.

330

810.09(2)(d)

3rd

Trespassing on posted
commercial horticulture
property.

331

812.014(2)(c)1.

3rd

Grand theft, 3rd
degree; \$750 or more
but less than \$5,000.

332

812.014(2)(d)1.

3rd

Grand theft, 3rd



808900

333			degree; \$40 or more but less than \$750, taken from dwelling or its unenclosed curtilage.
	812.014 (2) (e) 2.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with one prior theft conviction.
334			
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
335			
	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
336			
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
337			
	817.52 (3)	3rd	Failure to redeliver



808900

338			hired vehicle.
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
339			
	817.60 (5)	3rd	Dealing in credit cards of another.
340			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
341			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
342			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
343			
	831.01	3rd	Forgery.
344			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration



808900

345			with intent to defraud.
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
346			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
347			
	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
348			
	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
349			
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
350			
	<u>836.13 (4)</u>	<u>3rd</u>	<u>Soliciting an altered sexual depiction of an identifiable person without consent.</u>
351			
	843.01 (2)	3rd	Resist police canine or



808900

police horse with
violence; under certain
circumstances.

843.08

3rd

False personation.

843.19(3)

3rd

Touch or strike police,
fire, SAR canine or
police horse.

893.13(2)(a)2.

3rd

Purchase of any s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4)
drugs other than
cannabis.

893.147(2)

3rd

Manufacture or delivery
of drug paraphernalia.

(c) LEVEL 3

Florida
Statute

Felony
Degree

Description

119.10(2)(b)

3rd

Unlawful use of



808900

confidential information
from police reports.

361

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

362

316.193 (2) (b)

3rd

Felony DUI, 3rd
conviction.

363

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement
officer in patrol vehicle
with siren and lights
activated.

364

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number
plate removed.

365

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile
home.

366

319.33 (1) (c)

3rd

Procure or pass title on
stolen vehicle.

367



808900

319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,



808900

molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

373

379.2431
(1) (e) 6.

3rd

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of
any marine turtle species
described in the Marine
Turtle Protection Act.

374

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

375

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services
requiring licensure,
without a license.

376

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report



808900

			information.
377	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
378	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
379	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
380	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
381	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
382	697.08	3rd	Equity skimming.
383	790.15(3)	3rd	Person directs another to



808900

384			discharge firearm from a vehicle.
	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
385			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
386			
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
387			
	810.09 (2) (b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
388			
	810.145 (2) (c)	3rd	Digital voyeurism; 19 years of age or older.
389			
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than



808900

390			\$10,000.
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
391			
	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
392			
	812.081 (2)	3rd	Theft of a trade secret.
393			
	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
394			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
395			
	817.233	3rd	Burning to defraud insurer.
396			
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.



808900

397	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
398	817.236	3rd	Filing a false motor vehicle insurance application.
399	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
400	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
401	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
402	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
403			



808900

404	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
405	836.13 (2)	3rd	Person who promotes, <u>or possesses with intent to promote,</u> an altered sexual depiction of an identifiable person without consent.
406	<u>836.13 (3)</u>	<u>3rd</u>	<u>Person who generates an altered sexual depiction of an identifiable person without consent.</u>
407	<u>836.13 (4)</u>	<u>3rd</u>	<u>Person who solicits an altered sexual depiction of an identifiable person without consent.</u>
408	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
409	847.01385	3rd	Harmful communication to a minor.
	860.15 (3)	3rd	Overcharging for repairs



808900

and parts.

410

870.01 (2) 3rd Riot.

411

870.01 (4) 3rd Inciting a riot.

412

893.13 (1) (a) 2. 3rd Sell, manufacture, or
deliver cannabis (or other
s. 893.03 (1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3.,
(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4)
drugs).

413

893.13 (1) (d) 2. 2nd Sell, manufacture, or
deliver s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of university.

414

893.13 (1) (f) 2. 2nd Sell, manufacture, or
deliver s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,



808900

(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

415

893.13 (4) (c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

416

893.13 (6) (a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

417

893.13 (7) (a) 8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

418

893.13 (7) (a) 9.

3rd

Obtain or attempt to
obtain controlled
substance by fraud,
forgery,
misrepresentation, etc.

419

893.13 (7) (a) 10.

3rd

Affix false or forged
label to package of
controlled substance.



808900

420

893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.

421

893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

422

893.13 (8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

423

893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.



808900

424	893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
425	918.13 (1)	3rd	Tampering with or fabricating physical evidence.
426	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
427	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
428	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
429			
430			
431	(d) LEVEL 4		
432			



808900

	Florida Statute	Felony Degree	Description
433	104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
434	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
435	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
436	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription



808900

437			drugs.
	517.07 (1)	3rd	Failure to register securities.
438			
	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
439			
	784.031	3rd	Battery by strangulation.
440			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
441			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
442			
	784.075	3rd	Battery on detention or commitment facility staff.
443			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or



808900

			materials.
444	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
445	784.081 (3)	3rd	Battery on specified official or employee.
446	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
447	784.083 (3)	3rd	Battery on code inspector.
448	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
449	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
450	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal



808900

451			intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
452			
	787.07	3rd	Human smuggling.
453			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
454			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
455			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
456			
	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.



808900

457	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
458	806.135	2nd	Destroying or demolishing a memorial or historic property.
459	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
460	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
461	810.06	3rd	Burglary; possession of tools.
462	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
463	810.145 (3) (b)	3rd	Digital voyeurism



808900

			dissemination.
464	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
465	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
466	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
467	812.014 (2) (e) 3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
468	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
469			



808900

470	817.505 (4) (a)	3rd	Patient brokering.
471	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
472	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
473	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
474	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
475	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	<u>827.073 (2) (a)</u>	<u>3rd</u>	<u>Possession, control, or</u> <u>intentionally viewing</u> <u>of an altered sexual</u>



808900

476			<u>depiction of an</u> <u>identifiable minor.</u>
	<u>827.073 (2) (b)</u>	<u>3rd</u>	<u>Generation of an</u> <u>altered sexual</u> <u>depiction of a minor.</u>
477			
	<u>827.073 (2) (c)</u>	<u>3rd</u>	<u>Solicitation of an</u> <u>altered sexual</u> <u>depiction of an</u> <u>identifiable minor.</u>
478			
	<u>827.073 (2) (d)</u>	<u>3rd</u>	<u>Promotion of an altered</u> <u>sexual depiction of an</u> <u>identifiable minor.</u>
479			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
480			
	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
481			
	836.14 (3)	3rd	Person who willfully



808900

			possesses a sexually explicit image with certain knowledge, intent, and purpose.
482	837.02 (1)	3rd	Perjury in official proceedings.
483	837.021 (1)	3rd	Make contradictory statements in official proceedings.
484	838.022	3rd	Official misconduct.
485	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
486	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
487	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
488	843.025	3rd	Deprive law enforcement,



808900

			correctional, or correctional probation officer of means of protection or communication.
489	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
490	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
491	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
492	870.01(3)	2nd	Aggravated rioting.
493	870.01(5)	2nd	Aggravated inciting a riot.
494	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.



808900

495	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
496	914.14 (2)	3rd	Witnesses accepting bribes.
497	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
498	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
499	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
500	918.12	3rd	Tampering with jurors.
501	934.215	3rd	Use of two-way communications device to facilitate



808900

commission of a crime.

944.47(1)(a)6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

951.22(1)(h),
(j) & (k)

3rd

Intoxicating drug,
instrumentality or
other device to aid
escape, or cellular
telephone or other
portable communication
device introduced into
county detention
facility.

Section 6. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to sexual images; creating s. 800.045,



808900

F.S.; defining terms; prohibiting a person from possessing with the intent to promote specified depictions that include a lewd or lascivious image; providing criminal penalties; prohibiting a person from knowingly soliciting, possessing, controlling, or intentionally viewing a depiction that includes a lewd or lascivious image; providing criminal penalties; providing applicability; amending s. 827.071, F.S.; revising the definition of the term "sexual conduct"; prohibiting a person from soliciting specified depictions of child pornography; specifying that the solicitation of each specified depiction or each child depicted is a separate offense; providing criminal penalties; revising applicability; creating s. 827.073, F.S.; defining terms; prohibiting a person from knowingly possessing, controlling, or intentionally viewing a visual depiction he or she knows includes an altered sexual depiction of an identifiable minor; providing for prima facie evidence of intent to promote; providing criminal penalties; providing criminal penalties for persons who intentionally generate an altered sexual depiction of a minor; providing criminal penalties for persons who solicit an altered sexual depiction of a minor, without consent of the identifiable minor, and who know or reasonably should have known that such visual depiction was an altered sexual depiction; providing criminal penalties for persons who willfully and intentionally promote an altered sexual depiction of



808900

an identifiable minor, without consent of the
identifiable minor, and who know or reasonably should
have known that such visual depiction was an altered
sexual depiction; providing for a civil cause of
action; providing for injunctive relief, damages, and
attorney fees and costs; providing applicability;
amending s. 836.13, F.S.; defining the term
"generate"; providing criminal penalties for persons
who possess with the intent to promote an altered
sexual depiction of an identifiable person without the
consent of the identifiable person; providing criminal
penalties for a persons who willfully generate or
solicit an altered sexual depiction of an identifiable
person, without the consent of the identifiable
person, and who know or reasonably should have known
that such visual depiction was an altered sexual
depiction; revising what is not considered a defense
to such offenses; providing for a civil cause of
action; providing for injunctive relief, damages, and
attorney fees and costs; revising and providing
applicability; amending s. 921.0022, F.S.; ranking
offenses created by and an offense revised by the act
for purposes of the severity ranking chart of the
Criminal Punishment Code; making a conforming change;
providing an effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1180

INTRODUCER: Appropriations Committee on Criminal and Civil Justice, Criminal Justice Committee
and Senator Gaetz

SUBJECT: Sexual Images

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1180 provides guidance on proving actual or lewd exhibition and prohibits generation or possession of certain images.

The bill creates s. 800.045, F.S., to provide offenses regarding lewd or lascivious images and defines the terms “identifiable minor”, “intentionally view”, “lewd or lascivious image”, and “promote”.

The bill provides that it is a second degree felony for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part includes a lewd or lascivious image. The bill provides an exception for any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

It also provides that it is third degree felony for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes

a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense.

The bill amends s. 827.071, F.S., to expand the definition of the term “sexual conduct” to include “anus”, and provide that the term “actual or simulated lewd exhibition of the genitals” may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor’s genitalia;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

The bill creates s. 827.073, F.S., to create offenses related of altered sexual depiction of a minor and to define the terms “altered sexual depiction,” “generate”, “visual depiction”, “identifiable minor”, “intentionally view”, and “promote.”

The bill provides that it is a third degree felony for a person to:

- Knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor.
- Intentionally generate an altered sexual depiction of a minor.
- Solicits an altered sexual depiction of a minor.

The bill also provides that it is a second degree felony for a person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.

The bill amends s. 836.13, F.S., to define the term “generate.”

The bill provides that it is a third degree felony for a person to:

- Willfully generates an altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.
- Solicit an altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief;
- Monetary damages to include \$10,000 or actual damages incurred; and
- Reasonable attorney fees and costs.

The bill amends 921.0022, F.S., to provide penalties for specified offenses regarding sexual images and related acts in the Offense Severity Ranking Chart (OSRC) of the Criminal Punishment Code.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2025.

II. Present Situation:

Altered Sexual Depictions

Nonconsensual altered sexual depictions are distinguishable from consensual pornography as the person being depicted has not given his or her consent and did not actually engage in the sexual behavior he or she is depicted as doing. Such depictions may exploit the depicted person for other's gratification and may cause emotional and reputational harm stemming from subsequent uses of the depiction and society's response to the person depicted.¹

Section 836.13, F.S., defines "Altered sexual depiction" to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:²

- With the nude body parts of another person as the nude body parts of the identifiable person;
- With computer-generated nude body parts as the nude body parts of the identifiable person; or
- Engaging in sexual conduct as defined in s. 847.001, F.S.,³ in which the identifiable person did not engage.

¹ Mathew B. Kugler and Carly Pace, *Deepfake Privacy: Attitudes and Regulation*, *Northwestern University Law Review*, 2021 Vol 116:611, p. 624-25, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1476&context=nulr> (last visited March 19, 2025).

² Section 836.13(1)(b), F.S., defines "Identifiable person" to mean a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

³ Section 847.001(19), F.S., defines "Sexual conduct" to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.⁴

The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.⁵

A person who is portrayed in such an altered sexual depiction without his or her consent may initiate a civil cause of action against a person who willfully and maliciously promoted such depiction and may obtain appropriate relief to prevent or remedy the promotion, including:

- Injunctive relief.
- Monetary damages to include \$10,000 or actual damages incurred.
- Reasonable attorney fees and costs.⁶

Child Pornography

The law prohibits any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute material that appears to depict minors engaged in sexually explicit conduct and is deemed obscene.⁷

Miller v. California established the test for determining obscenity, now known as the *Miller*⁸ test, which outlines three criteria for material to be considered obscene. The three-prong test requires the trier of fact to consider the following factors to determine if something is obscene:

- Whether “the average person, applying contemporary community standards” would find that the work, taken as a whole, appeals to the prurient interest;
- Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.⁹

The test for determining whether matter involving minors is obscene is a slightly lower threshold than the *Miller* test. Material involving minors can be considered obscene if:

- It depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse; and
- The image lacks serious literary, artistic, political, or scientific value.¹⁰

⁴ A third degree felony is punishable by a term of imprisonment up to 5 years and a \$5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

⁵ Section 836.13(4), F.S.

⁶ Section 836.13(5), F.S.

⁷ 18 U.S.C.A. s. 1466A. (2003).

⁸ *Miller v. California*, 413 U.S. 15, 24 (1973).

⁹ *Id.*

¹⁰ *Id.*

The Court tends to grant greater protections to minors, routinely upholding state statutes that penalize those who possess or disseminate obscene material relating to minors. In *New York v. Ferber*, the defendant was convicted for distributing material that depicted a sexual performance by a minor under the age of 16 in violation of a state law that prohibited persons from knowingly promoting material that depicted such a performance.¹¹ In *Ferber*, the Court held that the statute at issue did not violate the First Amendment, explaining that the states have a compelling interest, and thus are granted more leeway, in regulating pornographic depictions of children.¹² The Court reasoned that such material bears so heavily on the welfare of children engaged in its production that a balance of compelling interests are struck and, therefore, these materials are not afforded the protections of the First Amendment.¹³

Present law defines child pornography to mean:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.¹⁴

Sexual performance means, a person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this offense commits a second degree felony.^{15,16}

A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child.¹⁷ A person who violates this offense commits a second degree felony.

It is unlawful for any person to possess with the intent to promote¹⁸ any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this offense commits a second degree felony.

This provision does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

¹¹ *New York v. Ferber*, 458 U.S. 747 (1982).

¹² *Ferber*, 458 U.S. at 756.

¹³ *Id.* at 747-48.

¹⁴ Section 827.071(1)(b), F.S.

¹⁵ Section 827.071(2), F.S.

¹⁶ A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

¹⁷ Section 827.071(3), F.S.

¹⁸ Section 836.13(4), F.S., defines “Promote” to mean to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

Courts have determined what criteria may be used in determining what is lewd exhibition of the genitals. In *State v. Hubbs*,¹⁹ the critical issue for the court to determine was whether the state proved the defendant knew photographs taken of a 14-year-old girl included “actual lewd exhibition of the genitals” by a child and were “lewd” in nature. To prove an “actual lewd exhibition of the genitals” by a child, the State will be required to prove the defendant knew the photographs of the child were “lewd” in nature.²⁰ The Second District has specifically held that “the lewdness requirement may be satisfied by the intent of the person promoting the performance which included sexual conduct by the child.”²¹ The *Brabson* court also noted that lewdness may be evaluated based on the test in *U.S. v. Dost*. The court held that a trier of fact should consider the *Dost* factors in making a determination whether the exhibition of the child's genitals in the photographs was lewd in nature.²²

In *U.S. v. Dost*,²³ the court opined that a determination of whether there was lascivious exhibition should be made on a case-by-case basis using general principles as a guide for analysis.

The court held that a trier of fact should look at the following factors, among any others that may be relevant in a particular case, when determining whether a visual depiction of a minor constitutes lascivious exhibition of the genitals or pubic area:

- Whether the focal point of the visual depiction is on the child’s genitalia or pubic area;
- Whether the setting of the visual depiction is sexually suggestive, i.e., in a place or pose generally associated with sexual activity;
- Whether the child is depicted in an unnatural pose, or in inappropriate attire, considering the age of the child;
- Whether the child is fully or partially clothed or nude;
- Whether the visual depiction suggests sexual coyness or a willingness to engage in sexual activity;
- Whether the visual depiction is intended or designed to elicit a sexual response in the viewer.

The court asserted that a visual depiction need not involve all of the above-listed factors to constitute lascivious exhibition of the genitals or pubic area, but rather that, a determination should be made based on the overall content of the visual depiction, taking into account the age of the minor.²⁴

¹⁹ *State v. Hubbs*, 377 So.3d 1162 (Fla. 4th DCA 2023).

²⁰ Section § 827.071(1)(h), (5)(a), Fla. Stat. (2019).

²¹ *State v. Brabson*, 7 So.3d 1119, 1122 (Fla. 2d DCA 2008).

²² *Hubbs*, at 1168.

²³ *U.S. v. Dost*, 636 F. Supp. 828 (S.D. California 1986).

²⁴ *Dost*, 636 F. Supp. At 832.

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code²⁵ are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{26,27}

A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.²⁸

III. Effect of Proposed Changes:

Section 1 creates s. 800.045, F.S., to define the following terms:

- “Identifiable minor” means a person:
 - Who is younger than 16 years of age at the time the lewd or lascivious image was created, altered, adapted, or modified, or whose image was used in the creating, altering, adapting, or modifying of the lewd or lascivious image; and
 - Who is recognizable as an actual person by the person's face, likeness, or any distinguishing characteristic, such as a unique birthmark, or any recognizable feature.
 - The term may not be construed to require proof of the actual identity of the identifiable minor.
- “Intentionally view” means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.²⁹
- “Lewd or lascivious image” means:
 - Any image depicting lewd or lascivious exhibition in violation of s. 800.04(7), F.S.,³⁰; or
 - Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means to portray lewd or lascivious exhibition in violation of s. 800.04(7), F.S., committed in the presence of an identifiable minor.

The bill creates offenses related to lewd or lascivious images, to provide that:

- It is a second degree felony for any person to possess with the intent to promote any photograph, motion picture, exhibition, exhibition, show, representation, or other

²⁵ All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.

²⁶ Section 921.0022, F.S.

²⁷ Section 921.0022(2), F.S.

²⁸ Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.

²⁹ Section 827.071(1)(f), F.S.

³⁰ Section 800.04(7), F.S., Lewd or Lascivious Exhibition means a person who intentionally masturbates; intentionally exposes the genitals in a lewd or lascivious manner; or intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age.

presentation which, in whole or in part, includes a lewd or lascivious image. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. This paragraph does not apply to any material solicited, possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

- It is a third degree felony for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, in whole or in part, which he or she knows to include a lewd or lascivious image. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes a lewd or lascivious image depicting more than one minor, each such minor in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation who is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense.

Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 2 amends s. 827.071, F.S., to define the terms:

- “Sexual conduct” to mean actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals or *anus*; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

The bill provides that the term “actual or simulated lewd exhibition of the genitals” may be evidenced by the overall content of an image, taking into account the age of the minor depicted and including, but not limited to, whether:

- The focal point of the image is on the minor’s genitals;
- The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;
- The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;
- The image suggests sexual coyness or a willingness to engage in sexual conduct; or
- The image is intended or designed to elicit a sexual response in the viewer.

Section 3 creates s. 827.073, F.S., to define the terms:

- “Altered sexual depiction” to mean any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

- With the nude body parts of another person as the nude body parts of the identifiable person;
 - With computer-generated nude body parts as the nude body parts of the identifiable person; or
 - Engaging in sexual conduct as defined in s. 847.001, F.S., in which the identifiable person did not engage.³¹
- “Generate” to mean to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.
- “Visual depiction” includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.³²
- “Identifiable minor” to mean a person:
 - Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image;³³ and
 - Who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.³⁴
 - The term may not be construed to require proof of the actual identity of the identifiable minor.
- “Intentionally view” to mean to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.³⁵
- “Promote” to mean to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.³⁶
- “Possess” to mean to knowingly or intentionally keep, control, maintain, store, or own, physically or electronically, any altered sexual depiction of an identifiable person, without the consent of the identifiable person.

The bill provides that it is a third degree felony for a person to knowingly possess, control, or intentionally view a visual depiction that, in whole or in part, he or she knows includes an altered sexual depiction of an identifiable minor. The possession or control of three or more copies of such visual depiction is prima facie evidence of an intent to promote. The possession, control, or intentional viewing of each visual depiction is a separate offense.

The bill provides civil remedies for an aggrieved person against a person who violates the above provision.

³¹ Section 836.13(1)(a), F.S.

³² Section 836.13(1)(e), F.S.

³³ Section 827.071(1)(e)1., F.S.

³⁴ Section 827.071(1)(e)2., F.S.

³⁵ Section 827.071(1)(f), F.S.

³⁶ Section 827.071(1)(h), F.S.

Any offense under the above provisions does not include an act done for a bona fide medical, literary, academic or scientific purpose.

A person who intentionally generates an altered sexual depiction of a minor commits a third degree felony.

A person who solicits an altered sexual depiction of a minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who willfully and intentionally promotes an altered sexual depiction of an identifiable minor, without the consent of the identifiable minor, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a second degree felony.

Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 4 amends s. 836.13, F.S., to be renamed to altered sexual depictions and to define the term “generate” to mean to create, alter, adapt, or modify any image by electronic, mechanical, or other computer-generated means to portray an identifiable person or to offer or agree to do the same.

A person who willfully and maliciously promotes, or possesses with intent to promote, any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a third degree felony.

A person who willfully generates an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

A person who solicits an altered sexual depiction of an identifiable person without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction commits a third degree felony.

The bill provides that an act done for a bona fide medical, literary, academic, or scientific purpose is not a violation of this offense.

The bill authorizes a person who is portrayed in an altered sexual depiction without his or her consent to initiate a civil cause of action against a person who willfully generates such an altered sexual depiction to obtain appropriate relief to prevent or remedy the generation of such a depiction, including:

- Injunctive relief.
- Monetary damages to include \$10,000 or actual damages incurred.

- Reasonable attorney fees and costs.

Section 5 amends s. 921.0022, F.S., to rank the following offenses:

- Soliciting an altered sexual depiction of an identifiable person without consent is ranked a Level 2 on the OSRC.
- Person who generates an altered sexual depiction of an identifiable person without consent is a Level 3 on the OSRC.
- Person who solicits an altered sexual depiction of an identifiable person without consent is ranked a Level 3 on the OSRC.
- Possession, control, or intentionally viewing an altered sexual depiction of an identifiable minor is ranked a Level 4 on the OSRC.
- Generating an altered sexual depiction of an identifiable minor without consent is ranked a Level 4 on the OSRC.
- Solicitation of an altered sexual depiction of an identifiable minor is ranked a Level 4 on the OSRC. Promotion of an altered sexual depiction of an identifiable minor is ranked a Level 4 on the OSRC.

The bill takes effect 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:

The First Amendment of the U.S. Constitution states that, “Congress shall make no law ... abridging the freedom of speech...” This language prohibits the government from having the ability to constrain the speech of citizens. However, materials that constitute child pornography, obscenity, or material harmful to minors may be restricted. Child pornography, obscenity, and material harmful to minors have been defined in ch. 847, F.S., and are consistent with federal law and the United States Supreme Court holdings regarding such laws. The bill makes the simple creation or possession of an

altered sexual depiction a crime. This may be subject to challenges under the First Amendment.

Additionally, the bill makes a computer-generated image of a nude child a crime, which may subject the bill to First Amendment challenges. It is not unlawful to possess or view an image of a nude child, unless such depiction constitutes child pornography. If the bill passes, a depiction that has not been altered, adapted, etc., of a nude child who is not engaging in sexual conduct, will be legal to possess; however possession of an image that has been altered, adapted, etc., will be unlawful.

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 provided a preliminary estimate that the bill may have a positive indeterminate prison bed impact on the Department of Corrections (DOC). According to EDR:

[The bill] adds two Level 3, 3rd degree felonies to the language. Currently, a Level 3, 3rd degree felony exists for "a person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction." The first of the new felonies involves "a person who willfully and maliciously generates any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction." The second of the new felonies involves "a person who willfully and maliciously possesses any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction. Exceptions are added for all three for "an act done for a bona fide medical, literary, academic, or scientific purpose."

Per DOC, in FY 2023-24, there were 351 new commitments to prison for felony offenses committed under s. 827.071, F.S. However, is not known how many additional offenders there would be under this new language.

Per DOC, since the current Level 3, 3rd degree felony under s. 836.16, F.S., went into effect on October 1, 2022, there have been no new commitments to prison. Per FDLE, in FY 23-24, since the current Level 3, 3rd degree felony under s. 836.16, F.S., went into effect on October 1, 2022, there have been 10 arrests, with one guilty/conviction charge. That one charge was sentenced to 30 days in jail. It is not known how many additional offenders there would be with the two new felonies.

VI. Technical Deficiencies:

There is a technical deficiency as to lines 160 and 478 of the amendment. The newly created offense of promotion of an altered sexual depiction of an identifiable minor in s. 827.073(2)(d) is listed as a second degree felony on line 160, and a third degree felony on line 478 of the Offense Severity Ranking Chart.

VII. Related Issues:

This bill could potentially criminalize a parent for possessing a nude photo of their child taken without a prurient intent or prurient curiosity, if such image has been altered.

The bill amends the definition of sexual conduct by including the term “anus” in s. 827.071, F.S., but does not amend the definition of sexual conduct in other sections of law.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 827.071, 836.13, and 921.0022.

IX. Additional Information:

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 9, 2025:

The committee substitute:

- Removes definitions for the terms “anus” and “male genitals.”
- Removes language expanding the definition of the term “sexual conduct” to include masturbation by a person in the presence of a child or ejaculation on any part of a child’s body or clothing.
- Removes malicious intent from generating, soliciting or possessing any altered sexual depiction of an identifiable person.
- Provides criminal penalties for possession with intent to promote a lewd or lascivious image, and providing that a violation of this offense is a second degree unranked felony.
- Provides criminal penalties for the solicitation, possession, control or intentionally viewing of a lewd or lascivious image is a third degree unranked felony.

- Provides criminal penalties for knowingly possessing, controlling, or intentionally viewing, intentionally generating, or soliciting an altered sexual depiction of an identifiable minor is a third degree felony, ranked a Level 4 in the OSRC.
- Providing criminal penalties for willfully and intentionally promoting an altered sexual depiction of a minor is a second degree felony, ranked a Level 4 in the OSRC.
- Provides that soliciting an altered sexual depiction of an identifiable person without consent is a third degree felony, ranked a Level 2 in the OSRC.

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Removes language expanding the definition of “child pornography.”
- Provides definitions for “anus”, “male genitals”, “generate”, and “possess”.
- Revises the term “sexual conduct” to include masturbation by a person in the presence of a child or ejaculation on any part of a child’s body or clothing.
- Provides criminal penalties for willfully and maliciously generating or possessing any altered sexual depiction with the consent of an identifiable person. Each violation is a separate offense that is a third degree felony, ranked a Level 3 in the OSRC.
- Provides an exception for medical, literary, academic or scientific purposes, for crimes related to Altered Sexual Depiction.

B. Amendments:

None.

By Senator Yarborough

4-01602-25

20251252__

A bill to be entitled

An act relating to the statewide pawn data database; creating s. 539.004, F.S.; providing definitions; requiring the Department of Law Enforcement to create a statewide database of transaction data electronically reported by specified businesses; providing requirements for the database; prohibiting certain data transfers by third-party vendors; providing restrictions on use; providing requirements for data storage; providing penalties for violations; authorizing rulemaking; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 539.004, Florida Statutes, is created to read:

539.004 Pawn data database; data usage; storage; violations.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Law Enforcement.

(b) "Law enforcement data" means data electronically reported by second-hand dealers to law enforcement under chapter 538 and this chapter which is necessary for criminal investigations and public safety efforts.

(c) "Pawn data" means information related to the transactions of second-hand dealers and secondary metals recyclers, including pawn shops, which is required by chapter 538 and this chapter to be reported electronically to law enforcement officials. This includes, but is not limited to,

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-01602-25

20251252__

descriptions of property, seller information, transaction dates, and any other data related to the exchange of goods.

(d) "Private vendor" means any third-party company or entity that provides services related to the intake, management, storage, or sharing of pawn data for law enforcement agencies.

(2) STATEWIDE PAWN DATA SHARING SYSTEM.—

(a) The department shall work with local and regional law enforcement agencies to establish a centralized, statewide system for the sharing of pawn transaction data no later than December 31, 2026. This system will allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real time to support criminal investigations and enhance public safety.

(b) All law enforcement agencies in this state shall have free, unrestricted access to the statewide pawn data sharing system for the purpose of conducting investigations. Agencies shall not be required to pay fees to access or share pawn data.

(c) The statewide pawn data sharing system shall ensure interoperability between different law enforcement databases, software solutions, and jurisdictions. The system must meet established data standards to facilitate seamless communication between agencies.

(3) DATA TRANSFER PROHIBITED.—

(a) Pawn data reported to law enforcement agencies remains the exclusive property of the respective law enforcement agencies and may not be transferred or sold to any third-party vendor for any purpose other than the direct use of the reporting law enforcement agency. Law enforcement agencies shall retain full access to all pawn data they report and may not be

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-01602-25

20251252__

59 charged a fee or premium for accessing their own data.

60 (b) It is unlawful for a private vendor to sell, lease,
61 sublicense, or otherwise transfer pawn data for any commercial
62 purposes, including resale to other law enforcement agencies.

63 (4) DATA STORAGE.—Private vendors providing services
64 related to pawn data must ensure that all pawn data is stored,
65 managed, and transmitted in compliance with applicable privacy
66 and security laws and that it remains accessible to law
67 enforcement agencies without restrictions. Private vendors must
68 also ensure that data is shared freely between agencies to
69 support multi-jurisdictional investigations.

70 (5) PENALTIES FOR VENDOR VIOLATIONS.—Any private vendor
71 that sells, resells, or otherwise commodifies pawn data in
72 violation of this section is subject to civil penalties,
73 including fines of up to \$500,000 per violation.

74 (6) PENALTIES FOR LAW ENFORCEMENT AGENCIES.—Any law
75 enforcement agency that fails to share pawn data with other
76 agencies through the statewide system is subject to
77 administrative penalties and may face restrictions on its
78 ability to access other law enforcement databases, as determined
79 by the department.

80 (7) RULEMAKING.—The department may adopt rules to implement
81 this section.

82 Section 2. This act shall take effect July 1, 2025.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 1252
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE			4/10/2025 Amendment 690272 ¹					
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
X		Osgood						
X		Polsky						
X		Rouson						
X		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
8	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 18, 2025

I respectfully request that **Senate Bill #1252**, relating to Statewide Pawn Data Database, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink that reads "Clay Yarborough".

Senator Clay Yarborough
Florida Senate, District 4



690272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Statewide pawn data database feasibility study.-

(1) As used in this section, the term:

(a) "Department" means the Department of Law Enforcement.

(b) "Pawn data" means information related to the
transactions of secondhand dealers and secondary metals
recyclers, including pawn shops, which is required by chapters



690272

538 and 539, Florida Statutes, to be reported electronically to law enforcement officials. The term includes, but is not limited to, descriptions of property, seller information, transaction dates, and any other data related to the exchange of goods.

(2) The department shall conduct a feasibility study regarding the creation of a statewide pawn data database which, at a minimum, must:

(a) Allow law enforcement agencies in all counties in the state to access, update, and share pawn data in real-time.

(b) Be provided free of charge to all law enforcement agencies in the state.

(c) Be interoperable with different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies.

(d) Ensure compliance with applicable privacy and security laws.

(3) By January 1, 2026, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results of the feasibility study.

(4) This section is repealed upon submission of the report required under subsection (3).

Section 2. This act shall take effect July 1, 2025.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled



690272

40 An act relating to a feasibility study relating to
41 statewide pawn data database; defining terms;
42 requiring the Department of Law Enforcement to conduct
43 a feasibility study that creates a statewide pawn data
44 database; specifying requirements for such database;
45 requiring the department to report the results of the
46 study to the Legislature; providing for repeal;
47 providing an effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1252

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Yarborough

SUBJECT: Statewide Pawn Data Database

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1252 requires the Department of Law Enforcement (FDLE) to conduct a feasibility study regarding the creation of a statewide pawn data database. The creation of a statewide pawn data database, at a minimum, must:

- Allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real time;
- Be provided free of charge to all law enforcement agencies in this state;
- Be interoperable with different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies; and,
- Ensure compliance with applicable privacy and security laws.

By January 1, 2026, FDLE must report to the President of the Senate and the Speaker of the House of Representatives the results of the feasibility study.

Pawn data is defined by the bill to include information related to transactions of secondhand dealers and secondary metals recyclers under ch. 538, F.S., and pawn shops regulated under ch. 539, F.S.

The Fiscal Year 2025-2026 Senate General Appropriations Bill (SB 2500) appropriates \$250,000 in nonrecurring funds from FDLE's Operating Trust Fund to competitively procure a contract for the completion of the feasibility study. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.¹

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.²

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.³ The term also includes gift certificates and credit memos⁴ that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.⁵

A secondhand dealer must annually register his or her business with the Department of Revenue (DOR).⁶

¹ See ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); see also Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

² Section 538.03(1)(h), F.S.

³ Section 538.03(1)(i), F.S.

⁴ Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

⁵ Section 538.03(1)(i), F.S.

⁶ See generally s. 538.09, F.S. (providing for registration).

Secondhand Dealer Transaction Forms

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours after the acquisition of the secondhand goods.⁷ In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;
- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name and address, and a physical description.⁸

If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit the required transaction records.⁹ Additionally, if a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all of the equipment necessary to electronically transmit transactions.¹⁰

Secondhand dealers must hold all secondhand goods for at least 15 days after acquiring the property. However, secondhand dealers are required to hold a precious metal,¹¹ gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,¹² for 30 days after they acquire the property.¹³ Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.¹⁴

⁷ Section 538.04(1), F.S.

⁸ *Id.*

⁹ Section 538.04(6), F.S.

¹⁰ *Id.*

¹¹ Section 538.03(1)(f), F.S., defines "precious metals" as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

¹² Section 686.501(1), F.S., defines "art" as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.

¹³ Section 538.06(1), F.S.

¹⁴ *Id.* An "automated kiosk" is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller's identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

Penalties

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on the goods.¹⁵ This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows for the possibility of the goods being returned to their rightful owner.

Law enforcement agencies having jurisdiction enforce compliance with registration, record keeping, holding periods, and inspection requirements.¹⁶ A person who knowingly violates the requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed \$10,000.¹⁷

Pawnbrokers

Pawnbrokers¹⁸ must apply for and obtain a license from the DACS annually.¹⁹ To be eligible for the license, each pawnshop must maintain a net worth of at least \$50,000 or file security in the form of a surety bond, letter of credit, or certificate of deposit of \$10,000 for each license.²⁰ DACS is authorized to impose penalties of up to \$5,000 for noncompliance with the law.²¹

Pawnbroker Transaction Forms

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.²² The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.²³

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.²⁴ On or before the end of each business day, the pawnbroker must deliver the original pawnbroker transaction forms for each of the transactions occurring during the previous business day to the appropriate law enforcement official.²⁵ Additionally, an electronic image that is accepted for a transaction, must be maintained electronically in order to meet the same recordkeeping requirements.²⁶

¹⁵ Section 538.06(3), F.S.

¹⁶ Section 538.05, F.S.

¹⁷ Section 538.07(1), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

¹⁸ A “pawnbroker” is a person who is engaged in the business of making pawns; who makes a public display containing the term “pawn,” “pawnbroker,” or “pawnshop” or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A “pawn” is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.

¹⁹ Section 539.001(3), F.S.

²⁰ Section 539.001(4), F.S.

²¹ Fla. Admin. Code R. 5J-13.004 (2016).

²² Section 593.001(8)(a), F.S.

²³ *Id.*

²⁴ Section 593.001(9)(a), F.S.

²⁵ *Id.*

²⁶ *Id.*

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use such software, the law enforcement agency may provide a computer to the pawnbroker. The law enforcement agency retains ownership of the computer unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.²⁷

Penalties

A person who willfully makes a false entry on a transaction form or any other record required under chapter 539, F.S., commits a first degree misdemeanor.²⁸ Clerical or recordkeeping errors on a document or required record does not constitute a willful violation.

At the department's request, the FDLE must supply the department with any arrest and conviction records in its possession of an individual applying for or holding a license.²⁹

Any person who traffics in, or endeavors to traffic in, property that he or she knows or should know was stolen is guilty of a second degree felony.³⁰

III. Effect of Proposed Changes:

CS/SB 1252 requires the Department of Law Enforcement (FDLE) to conduct a feasibility study regarding the creation of a statewide pawn data database. The creation of a statewide pawn data database, at a minimum, must:

- Allow law enforcement agencies in all counties in this state to access, update, and share pawn data in real time;
- Be provided free of charge to all law enforcement agencies in this state;
- Be interoperable with different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies; and,
- Ensure compliance with applicable privacy and security laws.

By January 1, 2026, FDLE must report to the President of the Senate and the Speaker of the House of Representatives the results of the feasibility study.

Pawn data is defined by the bill to include information related to transactions of secondhand dealers and secondary metals recyclers under ch. 538, F.S., and pawn shops regulated under ch. 539, F.S.

²⁷ Section 539.001(9)(b), F.S.

²⁸ Section 539.001(17), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

²⁹ Section 539.001(19), F.S.

³⁰ Section 812.019(1), F.S. A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 Fiscal Year 2025-2026 Senate General Appropriations Bill (SB 2500) appropriates \$250,000 in nonrecurring funds from FDLE's Operating Trust Fund to competitively procure a contract for the completion of a feasibility study to examine the technical requirements, costs, and impact on law enforcement of a statewide pawn database. The funds are contingent upon this bill, SB 1252, or similar legislation, becoming a law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear if the bill requires the affected businesses to use the database.

Section 539.003, F.S., contains a public record exemption for records relating to pawnbroker transactions delivered to law enforcement. The bill uses the term “pawn data,” so it is unclear if the public records exemption would apply to the database.

The bill may immediately impact vendors who currently possess a substantial amount of pawn transaction data through existing contracts with local law enforcement agencies.

VIII. Statutes Affected:

This bill creates section 539.004 of the Florida Statutes.

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 Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The CS:

- Requires FDLE to conduct a statewide pawn database feasibility study rather than establishing a statewide pawn data sharing system.
- Removes data transfer prohibitions, data storage requirements, penalties for vendor violations, penalties for law enforcement agencies, and agency rulemaking authority for implementation.

- B. Amendments:

None.

By Senator Simon

3-01003A-25

20251268

A bill to be entitled

An act relating to the Department of Law Enforcement; repealing ss. 943.031 and 943.042, F.S., relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; amending s. 943.0311, F.S.; revising requirements for a report by the Chief of Domestic Security; amending ss. 943.041 and 943.17, F.S.; conforming provisions to changes made by the act; amending s. 943.0313, F.S.; revising the membership of the Domestic Security Oversight Council; revising reporting requirements; amending s. 943.60, F.S.; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; amending s. 943.69, F.S.; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department; amending ss. 914.25 and 914.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 943.031 and 943.042, Florida Statutes, are repealed.

Section 2. Subsection (4) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the

Page 1 of 8

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-01003A-25

20251268

department with respect to domestic security.—

(4) The chief shall report ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year~~ suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under subsection (6). Such suggestions must be submitted to the Domestic Security Oversight Council for inclusion in the report required under s. 943.0313(6). The chief may use ~~utilize~~ the assessments provided under subsection (6) in making his or her suggestions. The report must ~~shall~~ suggest strategies to maximize federal funds in support of building or facility security if such funds are available.

Section 3. Section 943.041, Florida Statutes, is amended to read:

943.041 Child Exploitation and Crimes Against Children Criminal Profiling Program.—There is created the Child Exploitation and Crimes Against Children Criminal Profiling Program within the department. The program shall perform investigative, intelligence, research, and training activities related to child exploitation and other crimes against children.

Section 4. Subsection (5) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced,

Page 2 of 8

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-01003A-25 20251268__

and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(5) The commission, ~~in consultation with the Florida Violent Crime and Drug Control Council,~~ shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. ~~After January 1, 1995,~~ Every basic skills course required in order for law enforcement officers to obtain initial certification must include training on violent crime prevention and investigations.

Section 5. Paragraph (a) of subsection (1) and subsection (6) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism and immigration enforcement incident prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and domestic security efforts.

3-01003A-25 20251268__

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall be composed ~~consist~~ of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. The state chief information officer.
10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.
12. Two representatives of the Florida Fire Chiefs Association.
13. One representative of the Florida Police Chiefs Association.
14. One representative of the Florida Prosecuting Attorneys Association.
15. One statewide domestic security intelligence representative, selected by the chair of the Florida Fusion Center Executive Advisory Board ~~The chair of the Statewide Domestic Security Intelligence Committee.~~
16. One representative of the Florida Hospital Association.

3-01003A-25

20251268

17. One representative of the Emergency Medical Services Advisory Council.

18. One representative of the Florida Emergency Preparedness Association.

19. One representative of the Florida Seaport Transportation and Economic Development Council.

(6) REPORTS.—The council shall report annually on its activities, on or before December 31 of each calendar year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives. The report must include information submitted by the Chief of Domestic Security as required under s. 943.0311(4).

Section 6. Section 943.60, Florida Statutes, is amended to read:

943.60 Definitions.—For the purposes of ss. 943.60-943.68, the term "Capitol Complex" means that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages and curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King Jr. Boulevard, and Gaines Street. The term includes the State Capital Circle Office Complex located in Leon County, Florida. The term includes the Governor's mansion and

3-01003A-25

20251268

the curtilage thereof, located in Leon County, Florida. The term does not include the Supreme Court Building or the public streets adjacent thereto. The portion of the Capitol Complex existing between and including the Elliot Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street shall be known as "Memorial Park."

Section 7. Paragraph (b) of subsection (5) of section 943.69, Florida Statutes, is amended to read:

943.69 Care for Retired Police Dogs Program.—

(5) FUNDING.—

(b) Annual disbursements to a former handler or an adopter to reimburse him or her for the cost of the retired police dog's veterinary care may not exceed \$5,000 ~~\$1,500~~ per dog. A former handler or an adopter of a retired police dog may not accumulate unused funds from a current year for use in a future year.

Section 8. Subsection (5) of section 914.25, Florida Statutes, is amended to read:

914.25 Protective services for certain victims and witnesses.—

~~(5) The lead law enforcement agency that provides protective services, as authorized in this section, may seek reimbursement for its reasonable expenses from the Victim and Witness Protection Review Committee, pursuant to s. 943.031.~~

This section does not prevent any law enforcement agency from providing protective services at the agency's expense beyond the 4-year maximum period established in this section. Any such additional expenditures for protective services are not eligible for the reimbursement provided in this section.

3-01003A-25

20251268

Section 9. Subsections (1) and (4) of section 914.27, Florida Statutes, are amended to read:

914.27 Confidentiality of victim and witness information.—

(1) Information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, ~~the Victim and Witness Protection Review Committee created pursuant to s. 943.031,~~ or the Department of Law Enforcement which discloses:

(a) The identity or location of a victim or witness who has been identified or certified for protective or relocation services pursuant to s. 914.25;

(b) The identity or location of an immediate family member of a victim or witness who has been identified or certified pursuant to s. 914.25;

(c) Relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protective services afforded by s. 914.25; or

(d) The identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has made a relocation of permanent residence by reason of the victim's or witness's involvement in the investigation or prosecution giving rise to certification for protective or relocation services pursuant to s. 914.25;

is confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protective or relocation services provided pursuant to s. 914.25 and to support the prosecution efforts of the state attorneys and the

3-01003A-25

20251268

statewide prosecutor. Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided.

(4) The certifying state attorney or statewide prosecutor may state in writing ~~to the Victim and Witness Protection Review Committee established pursuant to s. 943.031~~ that even though certification for participation in the victim or witness protective services program is about to expire, disclosure of information made confidential and exempt by paragraph (1)(a) or paragraph (1)(b) continues to constitute an unwarranted risk to, or jeopardizes the safety of, victims, witnesses, or family members of such victims or witnesses. ~~Accordingly,~~ The confidential and exempt status of such information shall continue until the certifying state attorney or statewide prosecutor determines that disclosure of such information would not constitute an unwarranted risk to, or jeopardize the safety of, such persons, ~~and provides written notification to that effect to the Victim and Witness Protection Review Committee.~~

Section 10. This act shall take effect July 1, 2025.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 1268
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE		SENATORS	4/10/2025 ¹ Motion to vote "YEA" after Roll Call					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
X		Osgood						
X		Polsky						
X		Rouson						
X		Simon						
X		Wright						
VA		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 20th, 2025

I respectfully request that **Senate Bill #1268**, relating to Department of Law Enforcement, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line. Below the line, the text "Senator Corey Simon" and "Florida Senate, District 3" is printed.

Senator Corey Simon
Florida Senate, District 3

4/10/2025

Meeting Date

Appropriations Committee on Criminal and Civil Justice

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1268

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **850-410-7000**

Address **2331 Phillips Rd**
Street

Email **bobbiesmith@fdle.state.fl.us**

Tallahassee
City

FL
State

32308
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Dept. of Law Enforcement

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2025)

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 1268

INTRODUCER: Senator Simon

SUBJECT: Department of Law Enforcement

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Favorable
2.	Kolich	Harkness	ACJ	Favorable
3.			FP	

I. Summary:

SB 1268 amends various sections within ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically, the bill amends:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.
- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Council's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

This bill does not have a fiscal impact on state revenues or expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida Department of Law Enforcement

Violent Crime Council

In 1993, the Florida Violent Crime Council (Ch. 93-204, LOF) was established to financially assist local law enforcement agencies in extraordinary violent crime cases. After Florida's crime trend slightly shifted from violent crime to drug crimes, the 2001 Legislature approved the expansion of the Council to include funding for drug investigations. Renamed the Violent Crime and Drug Control Council (VCDCC), the VCDCC was authorized to provide supplemental funding to local and state law enforcement agencies working violent crime, major drug and money laundering investigations, and victim/witness protection and relocation efforts. The Legislature supports the funding of the VCDCC on a year-to-year basis.¹

Pursuant to s. 943.031, F.S., the VCDCC is comprised of 14 members. The members advise the Florida Department of Law Enforcement (FDLE) Executive Director and make recommendations on the development and implementation of initiatives to combat violent crime, drug crime, and money laundering. Eight members of the VCDCC are standing members (or designee) include the:

- Chief Financial Officer
- Attorney General
- Education Commissioner
- Executive Office of the Governor Public Safety Policy Coordinator
- Department of Juvenile Justice Secretary
- Department of Corrections Secretary
- Florida Network of Victim/Witness Services President
- FDLE Commissioner²

The remaining six members are appointed by the Governor,³ three of which are vacant and the other three continue to serve beyond their term, which has expired. Members appointed by the Governor serve 2-year terms and the standing members serve as long as they hold office or employment that was the basis for their appointment to the VCDCC.⁴

¹ Florida Department of Law Enforcement, *Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2024_VCDCC_Annual_Report_FINAL.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2024_VCDCC_Annual_Report_FINAL.aspx) (Last visited April 4, 2025).

² Section 943.031(2)(a)-(i), F.S.

³ *Id.*

⁴ Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, <https://www.fdle.state.fl.us/VCDCC/Publications> (last visited April 4, 2025)

The FDLE coordinates the VCDCC, assists the council in the performance of its duties and administers funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. An annual report on the activities of the VCDCC is produced each year in December.⁵

The Florida Network of Victim/Witness Services, which is a standing member of the VCDCC, appears to be inactive based on common internet searches but has submitted annual reporting through the Department of State.⁶

The 2008 Legislature, in its Fiscal Year 2008-2009 budget, reduced trust fund authority for the VCDCC by \$2,500,000.

Victim/Witness Protection Review Committee

The Victim/Witness Protection Review Committee was created within the VCDCC. This committee is responsible for reviewing and approving or denying, in whole or in part, all requests for reimbursement of Victim/Witness Protection funding.⁷

The Council's six-member Victim and Witness Protection Review Committee held two closed conference meetings in February and June of 2022. The Committee approved three reimbursement funding requests for a total of \$13,600.⁸ No funds were awarded to agencies for victim/witness protection reimbursement in 2023.⁹

Violent Crime Investigative Emergency Account

In 1993, the Violent Crime Investigative Emergency Account was created (Ch. 93-204, LOF) as a mechanism to provide emergency supplemental funds to state and local law enforcement agencies which were involved in complex violent crime investigations. In 2001, the account was renamed to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account (Ch. 2001-127, LOF) to allow agencies to utilize the funding for complex drug investigations.

⁵ Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, <https://www.fdle.state.fl.us/VCDCC/Publications> (last visited April 7, 2025)

⁶ *Division of Corporations*, available at <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDANETWORKVICTIMWITNESSER%207482660&aggregateId=domnp-748266-86d11613-e88d-4797-a432-587a87600c6c&searchTerm=florida%20network%20of%20victim%20&listNameOrder=FLORIDANETWORKVICTIMWITNESSER%207482660> (last visited April 7, 2025)

⁷ Florida Department of Law Enforcement, *Victim/Witness Protection Program Application Information Package*, available at <https://www.fdle.state.fl.us/VCDCC/Forms/VictimWitnessProtectionApplication.aspx> (Last visited April 7, 2025).

⁸ Florida Department of Law Enforcement, *2022 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2022-VCDCC-Annual-Report.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2022-VCDCC-Annual-Report.aspx) (last visited April 7, 2025).

⁹ Florida Department of Law Enforcement, *2023 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2023_VCDCC_Annual_Report_Final.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2023_VCDCC_Annual_Report_Final.aspx) (Last visited April 9, 2025).

Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP performs investigative, intelligence, research, and training activities related to crimes against children.¹⁰

As technology has advanced and the distribution of child sexual abuse material (CSAM) has become more prevalent, the focus has shifted to internet crimes against children. FDLE continues to work crimes against children cases, but not specifically employing profiling techniques for these cases. The priority is on cases involving actual sexual abuse of children and the repeated victimization they experience by the distribution of images and videos utilizing the internet. This involves the use of highly technical investigative tools to target the distributors and distribution networks of CSAM. In addition, FDLE leads a training conference focused on the technical tools for the investigations, best practice techniques, lessons learned from prior cases and intelligence sharing between various task forces focused on similar types of investigations.¹¹

Crimes Against Children Criminal Profiling Trust Fund

In 1989, the Crimes Against Children Criminal Profiling Trust Fund was established within FDLE (Ch. 1989-3, L.O.F.). The monies placed in the trust fund consisted of an additional fee on birth certificates authorized under s. 382.025, F.S., and any other money appropriated by the Legislature or received from the federal government or any other public or private source. The trust fund was established to assist local law enforcement agencies with investigative, intelligence, research and training activities related to crimes against children. The trust fund was terminated on July 1, 1995, by legislative action (Ch. 94-265, LOF).¹²

Domestic Security Oversight Council

In 2005, s. 943.0313, F.S., codified the Domestic Security Oversight Council (DSOC). The legislation provided for its membership, governance and duties of the council. The voting members include the:

- Executive Director of the Department of Law Enforcement
- Director of the Division of Emergency Management
- Attorney General
- Commissioner of Agriculture
- State Surgeon General
- Commissioner of Education
- State Fire Marshal
- Adjutant General of the Florida National Guard
- State Chief Information Officer
- Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
- Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.

¹⁰ Section 943.041, F.S.

¹¹ Florida Department of Law Enforcement, *Agency Bill Analysis SB1268* (Department of Law Enforcement)

¹² *Id.*

- Two representatives of the Florida Fire Chiefs Association.
- One representative of the Florida Police Chiefs Association.
- One representative of the Florida Prosecuting Attorneys Association.
- The chair of the Statewide Domestic Security Intelligence Committee.
- One representative of the Florida Hospital Association.
- One representative of the Emergency Medical Services Advisory Council.
- One representative of the Florida Emergency Preparedness Association.
- One representative of the Florida Seaport Transportation and Economic Development Council.

The voting members must include the Chair of the Statewide Domestic Security Intelligence Committee. As the domestic security framework has evolved, this committee was abolished several years ago. This has caused a vacancy within the council that cannot be filled.¹³

The DSOC serves as an advisory council that in part reviews the development, maintenance and operation of a comprehensive domestic security strategy to guide the state's prevention, preparedness, protection, response and recovery efforts against terroristic attacks and immigration enforcement incidents and make appropriate recommendations. The DSOC is required to report annually on its activities on or before December 31 of each calendar year to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives.¹⁴

Pursuant to s. 943.0311, F.S., the duties of the Chief of Domestic Security include a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each calendar year which details suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under s. 943.0311(6), F.S. This report is separate from the report required under s. 943.0313(6), F.S.

Care for Retired Police Dogs Program

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. The program established and provides funding for reimbursement of veterinary care for retired police dogs. The program provides reimbursement up to \$1,500 annually, per dog, for veterinary care to any former handler or adopter of a retired police dog, that served 5 or more years as a police dog.¹⁵

Funds under this program may be used for the following veterinary expenses, provided the expenses are the result of care/treatment from a licensed Florida veterinarian, including:

- Annual wellness exams;
- Vaccinations;
- Internal and external parasite prevention treatments;
- Testing and treatment of illnesses and diseases;

¹³ *Id.*

¹⁴ Section 943.0313(6), F.S.

¹⁵ Section 943.69, F.S.

- Medications;
- Emergency care and surgeries;
- Veterinary oncology or other specialty care;
- Euthanasia; and,
- Cremation.¹⁶

Basic annual vet visits for cats and dogs cost between \$50 to \$250, and they increase up to \$8,000 for specialized treatment (wound treatment, bloat treatment, emergency surgery, etc.).¹⁷ Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.¹⁸ Law enforcement dogs cannot work forever and are faced with natural aging conditions and may have sustained injuries in the line of duty.¹⁹ When it is time for a law enforcement dog to retire, the dog typically lives with their law enforcement officer partner. The veterinary expenses due to complications from law enforcement K-9's injuries, joint problems, or other job-related health problems may be too costly for the former handler to incur.

Capitol Complex

The term “Capitol Complex” is the portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages.²⁰ The Capitol Police provide security for state officials, employees, and visitors to the Capitol Complex as specified in s. 943.61, F.S.

The FDLE provides security to the Governor, the Governor's immediate family, the Governor's office and Mansion including the grounds.²¹ Capitol Police also provide and maintain security to the Governor's Mansion; however, it is not included in the current definition of “Capitol Complex” in s. 943.60, F.S.

III. Effect of Proposed Changes:

This bill amends various sections within ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically, the bill amends:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community

¹⁶ *Id.*

¹⁷ Dogster, *How Much Does a Vet Visit Cost? 2025 Pricing Update*, available at <https://www.dogster.com/dog-health-care/how-much-does-vet-visit-cost> (last visited April 7, 2025).

¹⁸ Florida Sheriff's Association, *The Role of a K-9 Unit*, available at [The Role of a K-9 Unit - Florida Sheriffs Association](https://www.floridasheriffs.org/the-role-of-a-k-9-unit) (last visited April 7, 2025);

¹⁹ For example, in September 2021, three different Law Enforcement K-9s acting in the line of duty were shot by suspects in Florida. *Officials: Florida K-9s shot by carjacking suspect*, September 11, 2021, AP News, available at <https://apnews.com/article/police-florida-carjacking-dogs-02ad82fce042d444f7d067151a3aeb30> (last visited April 7, 2025); *JSO K-9 recovering after being shot during Nassau County manhunt*, Carianne Luter, Social Media Producer, September 27, 2021, News4Jax, available at <https://www.news4jax.com/news/local/2021/09/27/jso-k-9-recovering-after-being-shot-during-nassau-county-manhunt/> (last visited April 7, 2025).

²⁰ Section 943.60, F.S.

²¹ Section 943.68(1), F.S.

college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.

- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Council's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

The bill takes effect on 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:

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. FDLE was appropriated \$300,000 in recurring funds from the General Revenue Fund to implement and administer the program. A former handler or an adopter of a retired police dog who seeks reimbursement may not receive reimbursement if funds appropriated for the program are depleted in the year for which the reimbursement is sought.²² Thus, increasing the maximum annual disbursement for veterinary care will not require additional funds.

FDLE advised the bill does not have a fiscal impact to state government.²³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.0311, 943.041, 943.17, 943.0313, 943.60, 943.69, 914.25 and 914.27

This bill repeals the following sections of the Florida Statutes: 943.031 and 943.042.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

²² Section 943.69, F.S.

²³ Florida Department of Law Enforcement, *Senate Bill 1268 Fiscal Analysis* (March 2, 2025) (on file with the Appropriations Committee on Criminal and Civil 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.

By the Committee on Criminal Justice; and Senator Simon

591-02827-25

20251344c1

1 A bill to be entitled
 2 An act relating to juvenile justice; renaming ch. 984,
 3 F.S.; amending s. 984.01, F.S.; revising the purposes
 4 and intent of ch. 984, F.S.; amending s. 984.02, F.S.;
 5 revising the legislative intent for prevention and
 6 intervention; amending s. 984.03, F.S.; providing and
 7 revising definitions; amending s. 984.04, F.S.;
 8 deleting legislative intent; revising requirements for
 9 early truancy intervention; amending s. 984.06, F.S.;
 10 revising provisions concerning preservation of records
 11 and confidential information; amending s. 984.07,
 12 F.S.; providing for appointment of counsel in certain
 13 circumstances; providing for payment of counsel;
 14 providing for imposition of costs of appointed counsel
 15 on nonindigent parents in certain circumstances;
 16 providing for appointment of counsel to represent a
 17 parent or guardian in certain circumstances; amending
 18 s. 984.071, F.S.; revising provisions concerning
 19 production of an information guide concerning juvenile
 20 procedures; requiring specified departments to post
 21 the information guide on their websites; repealing s.
 22 984.08, F.S., relating to attorney fees; repealing s.
 23 984.085, F.S., relating to sheltering and aiding
 24 unmarried minors; creating s. 984.0861, F.S.;
 25 prohibiting the use of detention for specified
 26 purposes; amending s. 984.09, F.S.; revising
 27 provisions for a child's punishment for contempt of
 28 court; limiting periods for placement for direct
 29 contempt or indirect contempt; revising procedures for

Page 1 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

30 procedure and due process; amending s. 984.10, F.S.;
 31 authorizing an authorized agent of the Department of
 32 Juvenile Justice to perform intake; revising
 33 provisions concerning referrals for service; requiring
 34 the abuse hotline to be contacted in certain
 35 circumstances; authorizing a child to remain in
 36 custody in certain circumstances; amending s. 984.11,
 37 F.S.; requiring that an array of voluntary family
 38 services be available to remediate specified problems;
 39 providing that certain families are not eligible for
 40 voluntary family services; providing eligibility for
 41 children in certain circumstances if the Department of
 42 Children and Families agrees; providing for an
 43 interagency agreement to govern such referrals;
 44 amending s. 984.12, F.S.; requiring parents to use
 45 health care insurance to the extent that it is
 46 available; deleting provisions concerning collection
 47 of fees; amending s. 984.13, F.S.; authorizing that a
 48 child be taken into custody pursuant to a finding of
 49 contempt; specifying placement a child taken into
 50 custody in specified circumstances; revising the
 51 duties of a person taking a child into custody;
 52 amending s. 984.14, F.S.; revising provisions
 53 concerning voluntary shelter services and placement of
 54 children in such services; deleting provisions
 55 concerning involuntary placement in a shelter;
 56 amending s. 984.15, F.S.; revising requirements for
 57 petitions for a child in need of services; amending s.
 58 984.151, F.S.; providing for early truancy

Page 2 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

59 intervention; providing for additional services to be
 60 ordered if a student is found to be a truant status
 61 offender; revising provisions concerning compliance;
 62 providing for applicability in cases in which a
 63 student is found to be a child in need of services;
 64 providing for retention of jurisdiction by courts;
 65 providing an exception; providing for service of court
 66 orders on specified entities; amending s. 984.16,
 67 F.S.; requiring that a student's school receive notice
 68 of certain actions by courts; amending s. 984.17,
 69 F.S.; specifying when a guardian ad litem may be
 70 appointed; revising provisions concerning
 71 representation of the Department of Juvenile Justice
 72 in cases in which a child is alleged to be in need of
 73 services; repealing s. 984.18, F.S., relating to
 74 referral of child-in-need-of-services cases to
 75 mediation; amending s. 984.19, F.S.; providing that an
 76 authorized agent of the department may have a medical
 77 screening performed on a child placed in shelter care;
 78 revising provisions concerning consent for medical
 79 care for a child in the care of the department;
 80 amending s. 984.20, F.S.; revising provisions for
 81 hearings in child in need of services cases; providing
 82 that the failure of a person served with notice to
 83 appear at the arraignment hearing constitutes the
 84 person's consent to the child in need of services
 85 petition; requiring a specified notice in such
 86 petitions; amending s. 984.21, F.S.; specifying that
 87 an order of adjudication by a court that a child is a

591-02827-25

20251344c1

88 child in need of services is a civil adjudication and
 89 not a conviction; deleting provisions allowing a court
 90 to withhold an adjudication that a is child in need of
 91 services in certain cases; amending s. 984.22, F.S.;
 92 conforming provisions to changes made by the act;
 93 deleting provisions on the deposit of fees received;
 94 amending s. 984.225, F.S.; revising when a child in
 95 need of services may be placed in a shelter; revising
 96 placement procedures; providing for counseling orders;
 97 specifying the effect of a placement the legal
 98 responsibilities of a parent, guardian, or custodian;
 99 providing limits for shelter stays; deleting
 100 provisions concerning exhaustion of less restrictive
 101 alternatives; providing for periodic review of
 102 placements; providing for transfer of a child to the
 103 Department of Children and Families in certain
 104 circumstances; authorizing transfer to the custody of
 105 the Agency for Persons with Disabilities in certain
 106 circumstances; amending s. 984.226, F.S.; authorizing
 107 contracting for physically secure shelters; deleting
 108 provisions on representation in certain proceedings;
 109 requiring exhaustion of less restrictive placements
 110 before a child may be placed in a physically secure
 111 shelter; providing a time limit on secure shelter
 112 orders; proving legislative intent; revising
 113 provisions concerning review of secure shelter
 114 placements; providing for transfer to shelter
 115 placements in certain circumstances; requiring a child
 116 to be transferred to the Department of Children and

591-02827-25

20251344c1

117 Families in certain circumstances; providing for the
 118 transfer of a child to the Agency for Persons with
 119 Disabilities in certain circumstances; transferring
 120 and renumbering s. 985.731, F.S. as s. 787.035, F.S.,
 121 relating to offenses concerning providing sheltering
 122 unmarried minors and aiding unmarried minor runaways;
 123 providing criminal penalties; amending s. 985.03,
 124 F.S.; revising the definition of the term "child who
 125 has been found to have committed a delinquent act";
 126 amending s. 985.24, F.S.; prohibiting placement of a
 127 child subject to certain proceedings into secure
 128 detention care; amending s. 1003.26, F.S.; authorizing
 129 that certain meetings with parents may be conducted
 130 virtually or by telephone; providing for child study
 131 team meetings in the absence of a parent, legal
 132 guardian, or custodian or child; revising
 133 interventions by such team; providing for promotion of
 134 a child who is responsive to intervention and meets
 135 specified requirements; revising provisions concerning
 136 required notice of a child's enrollment or attendance
 137 issues; revising provisions concerning returning a
 138 student to a parent or other party in certain
 139 circumstances; amending s. 1003.27, F.S.; revising
 140 reporting requirements for reports by school
 141 principals to school boards concerning minor students
 142 who accumulate more than a specified number of
 143 absences; requiring actions by school boards;
 144 providing for remedial actions for failure to comply;
 145 revising provisions concerning habitual truancy cases;

Page 5 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

146 revising provisions concerning cooperative agreements;
 147 revising who may begin certain proceedings and
 148 prosecutions; deleting a provision concerning a civil
 149 penalty for students; revising provisions concerning
 150 truant students; amending s. 381.02035, F.S.;
 151 authorizing pharmacists employed by the Department of
 152 Juvenile Justice to import drugs from Canada under a
 153 specified program; amending s. 790.22, F.S.; revising
 154 provisions concerning the treatment of a finding that
 155 a minor violated specified provisions, regardless of
 156 whether adjudication was withheld, for the purposes of
 157 determining whether a prior offense was committed;
 158 amending s. 985.12, F.S.; deleting a requirement that
 159 the Department of Juvenile Justice annually develop
 160 and produce best practice models for prearrest
 161 delinquency citation programs; amending s. 985.126,
 162 F.S.; revising the requirements for a quarterly report
 163 on prearrest citation programs; amending s. 985.25,
 164 F.S.; providing for supervised release or detention of
 165 a child despite the child's risk assessment score in
 166 certain circumstances; limiting the number of
 167 categories that a child may be moved; amending s.
 168 985.433, F.S.; requiring that a child be placed on
 169 conditional release rather than probation following
 170 discharge from commitment; repealing s. 985.625, F.S.,
 171 relating to literacy programs for juvenile offenders;
 172 amending s. 985.632, F.S.; deleting a provision
 173 regarding development of a cost-effectiveness model
 174 and application of the model to each commitment

Page 6 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

175 program; amending ss. 95.11, 409.2564, 419.001,
 176 744.309, 784.075, and 985.618, F.S.; conforming
 177 provisions to changes made by the act; providing an
 178 effective date.

179
 180 Be It Enacted by the Legislature of the State of Florida:

181
 182 Section 1. Chapter 984, Florida Statutes, entitled
 183 "Children and Families in Need of Services," is renamed
 184 "Children and Families in Need of Services; Prevention and
 185 Intervention for School Truancy and Ungovernable and Runaway
 186 Children."

187 Section 2. Section 984.01, Florida Statutes, is amended to
 188 read:

189 984.01 Purposes and intent; personnel standards and
 190 screening.—

191 (1) The purposes of this chapter are:

192 (a) To provide judicial, nonjudicial, and other procedures
 193 to address the status offenses of children who are truant from
 194 school, run away from their caregivers, or exhibit ungovernable
 195 behavior by refusing to follow the household rules of their
 196 caregivers and engage in behavior that places the child at risk
 197 of harm; and to ensure ~~assure~~ due process through which children
 198 and other interested parties are assured fair hearings by a
 199 respectful and respected court ~~or other tribunal~~ and the
 200 recognition, protection, and enforcement of their constitutional
 201 and other legal rights, ~~while ensuring that public safety~~
 202 ~~interests and the authority and dignity of the courts are~~
 203 ~~adequately protected.~~

591-02827-25

20251344c1

204 (b) To provide for the care, safety, and protection of
 205 children in an environment that cultivates ~~fosters~~ healthy
 206 social, emotional, intellectual, and physical development; to
 207 ensure the safety of children ~~secure and safe custody~~; and to
 208 promote the education, health, and well-being of all children
 209 under the state's care.

210 (c) To ~~provide~~ ensure the protection of society, by
 211 ~~providing~~ for a needs ~~comprehensive~~ standardized assessment of
 212 the child's needs, strengths, and family dynamics so that the
 213 most appropriate services ~~control, discipline, punishment, and~~
 214 ~~treatment~~ can be provided in the most appropriate environment
 215 ~~administered~~ consistent with the ~~seriousness of the act~~
 216 ~~committed~~, the community's long-term need for public safety and
 217 the safety of the individual child, with consideration given to
 218 the education and overall well-being, the prior record of the
 219 child, and the specific rehabilitation needs of the child, while
 220 ~~also providing restitution, whenever possible, to the victim of~~
 221 ~~the offense.~~

222 (d) To preserve and strengthen the child's family ties
 223 whenever possible; provide for temporary shelter placement of
 224 the child only when necessary for the child's education, safety,
 225 and welfare and when other less restrictive alternatives have
 226 been exhausted; provide, by providing for removal of the child
 227 ~~from parental custody only when his or her welfare or the safety~~
 228 ~~and protection of the public cannot be adequately safeguarded~~
 229 ~~without such removal; and, when the child is removed from his or~~
 230 ~~her own family, to secure~~ custody, care, and education;
 231 encourage self-discipline; and increase protective factors when
 232 the child is in temporary shelter placement ~~discipline for the~~

591-02827-25 20251344c1

child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.

(e)1- To ensure ~~assure~~ that the adjudication and disposition of a child alleged or found to be a child in need of services have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the misconduct offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. ~~To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.~~

(f) To provide a court process through which school boards are able to access the court for the limited purpose of early truancy intervention for children, subject to compulsory education, who are not engaging in regular school attendance, and encourage school attendance by educating children and their families on the importance of regular school attendance and provide services to families to prevent the child's pattern of

591-02827-25 20251344c1

~~truancy from becoming habitual children committed to the Department of Juvenile Justice with training in life skills, including career education.~~

(2) ~~The department of Juvenile Justice or the Department of Children and Families, as appropriate,~~ may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) If the department contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. The Each contract entered into by either department and any agency providing services for the department must require that each contract entered into for services delivered on an appointment or intermittent basis by a provider that does or does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character and must meet level 2 screening requirements as described in s. 435.04. A volunteer who assists on an intermittent basis for less than 10 hours per month need not be screened if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

~~(b) The department of Juvenile Justice and the Department of Children and Families shall require employment screening~~

591-02827-25

20251344c1

291 ~~pursuant to chapter 435, using the level 2 standards set forth~~
 292 ~~in that chapter for personnel in programs for children or~~
 293 ~~youths.~~

294 ~~(b)(c)~~ The department ~~of Juvenile Justice or the Department~~
 295 ~~of Children and Families~~ may grant exemptions from
 296 disqualification from working with children as provided in s.
 297 435.07.

298 (c) Any shelter used for the placement of children under
 299 this chapter must be licensed by the Department of Children and
 300 Families.

301 (3) ~~It is the intent of the Legislature that~~ This chapter
 302 is to be liberally interpreted and construed in conformity with
 303 its declared purposes.

304 Section 3. Section 984.02, Florida Statutes, is amended to
 305 read:

306 984.02 Legislative intent for prevention and intervention
 307 under chapter 984 the juvenile justice system.

308 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
 309 the Legislature that the children of this state be provided with
 310 the following protections:

311 (a) Protection from abuse, neglect, and exploitation.

312 (b) A permanent and stable home.

313 (c) A safe and nurturing environment which will preserve a
 314 sense of personal dignity and integrity.

315 (d) Adequate nutrition, shelter, and clothing.

316 (e) Effective services or treatment to address physical,
 317 social, and emotional needs, ~~regardless of geographical~~
 318 ~~location.~~

319 (f) Equal opportunity and access to quality and effective

591-02827-25

20251344c1

320 education which will meet the individual needs of each child and
 321 prepare the child for future employment, and to recreation and
 322 other community resources to develop individual abilities.

323 (g) Access to preventive services to provide the child and
 324 family the support of community resources to address the needs
 325 of the child and reduce the risk of harm or engaging in
 326 delinquent behavior.

327 (h) Court ~~An independent, trained advocate when~~
 328 intervention only when ~~is~~ necessary to address at-risk behavior
 329 before the behavior escalates into harm to the child or to the
 330 community through delinquent behavior.

331 (i) Access to representation by a trained advocate when
 332 court proceedings are initiated under this chapter.

333 (j) Supervision and services by skilled staff when
 334 temporary out of home placement is necessary and a skilled
 335 guardian or caretaker in a safe environment when alternative
 336 placement is necessary.

337 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
 338 children in the care of the state's juvenile justice and
 339 intervention dependency and delinquency systems need appropriate
 340 health care services and, that the impact of substance abuse on
 341 health requires ~~indicates~~ the need for health care services to
 342 include substance abuse services when where appropriate, ~~and~~
 343 ~~that~~ It is in the state's best interest that ~~such~~ children be
 344 provided the services they need to enable them to become and
 345 remain independent of state care. In order to provide these
 346 services, the state's juvenile justice and intervention
 347 dependency and delinquency systems must have the ability to
 348 identify and make referrals to experts capable of providing

591-02827-25

20251344c1

349 ~~provide appropriate~~ intervention and treatment for children with
 350 personal or family-related substance abuse problems. It is
 351 therefore the purpose of the Legislature to provide authority
 352 for the state to contract with community substance abuse
 353 treatment providers for the development and operation of
 354 specialized support and overlay services for the juvenile
 355 justice and intervention dependency and delinquency systems,
 356 subject to legislative appropriation, which will be fully
 357 implemented and utilized as resources permit. This section does
 358 not prevent agencies from referring children and families to
 359 privately operated community service providers to the extent the
 360 families have funding or insurance to provide care.

361 (3) JUVENILE JUSTICE AND INTERVENTION DELINQUENCY
 362 PREVENTION.—It is the policy of the state regarding with respect
 363 to juvenile justice and intervention delinquency prevention to
 364 first protect the public from acts of delinquency. In addition,
 365 it is the policy of the state to:

366 (a) Develop and implement effective methods of preventing
 367 and reducing acts of delinquency, with a focus on maintaining
 368 and strengthening the family ~~as a whole~~ so that children may
 369 remain in their homes or communities.

370 (b) Develop and implement effective programs to prevent
 371 delinquency, to divert children from the traditional juvenile
 372 justice system, to intervene at an early stage of delinquency,
 373 and to provide critically needed alternatives to
 374 institutionalization and deep-end commitment.

375 (c) Provide well-trained personnel, high-quality services,
 376 and cost-effective programs within the juvenile justice system.

377 (d) Increase the capacity of local governments and public

591-02827-25

20251344c1

378 and private agencies to conduct rehabilitative treatment
 379 programs and to provide research, evaluation, and training
 380 services ~~for in the field of~~ juvenile delinquency prevention.

381 (e) Develop and implement effective early prevention
 382 programs to address truancy and ungovernable and runaway
 383 behavior of children which places the child at risk of harm, and
 384 allow for intervention before the child engages in a delinquent
 385 act.

386
 387 The Legislature intends that temporary shelter detention care,
 388 in addition to providing safe care ~~secure and safe custody~~, will
 389 promote the health and well-being of the children placed therein
 390 ~~committed thereto~~ and provide an environment that fosters their
 391 social, emotional, intellectual, and physical development.

392 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
 393 Parents, custodians, and guardians are deemed by the state to be
 394 responsible for providing their children with sufficient
 395 support, guidance, and supervision to deter their participation
 396 in delinquent acts, and ensure their children attend school and
 397 engage in education to prepare their child for their future. The
 398 state further recognizes that the ability of parents,
 399 custodians, and guardians to fulfill those responsibilities can
 400 be greatly impaired by economic, social, behavioral, emotional,
 401 and related problems. It is therefore the policy of the
 402 Legislature that it is the state's responsibility to ensure that
 403 factors impeding the ability of caretakers to fulfill their
 404 responsibilities are identified and appropriate recommendations
 405 are provided to address those impediments through the provision
 406 of nonjudicial voluntary family services for families in need of

591-02827-25

20251344c1

~~services and through the child in need of services court processes delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.~~

(5) PROVISION OF SERVICES.-Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian, or custodian and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through individual and family services after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this distinction, it is the policy of the state to develop short-term services using the least restrictive method for children and families, early truancy intervention, and children in need of services.

Section 4. Section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(1) "Abandoned" or "abandonment" have the same meaning as in s. 39.01(1) means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes

591-02827-25

20251344c1

~~no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian, or person primarily responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a "child in need of services" as defined in subsection (9) or a "family in need of services" as defined in subsection (25). The incarceration of a parent, legal custodian, or person responsible for a child's welfare does not constitute a bar to a finding of abandonment.~~

(2) "Abuse" has the same meaning as in s. 39.01(2) means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 39.01.

~~(3) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.~~

(3)(4) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition as is provided for under s. 984.20(2) in child in need of services child-in-need-of-services cases.

(4)(5) "Adult" means any natural person other than a child.

(5)(6) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the

591-02827-25

20251344c1

Department of Juvenile Justice ~~or the Department of Children and Families, as appropriate,~~ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services ~~to~~ and managing cases of children in need of services ~~and families in need of services.~~

~~(7)~~ "Caretaker/homemaker" means ~~an authorized agent of the Department of Children and Families who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.~~

~~(6)(8)~~ "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found ~~or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.~~

~~(7)(9)~~ "Child in need of services" means a child for whom there is no pending petition filed with the court investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; ~~or no current court ordered supervision by the department for delinquency under chapter 985 of Juvenile Justice or the Department of Children and Families for an adjudication of dependency under chapter 39 or delinquency.~~ The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child's parents,

591-02827-25

20251344c1

~~or legal guardians, or~~ custodians despite reasonable efforts of ~~the child, the parents, or legal guardians, or~~ custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include ~~voluntary~~ participation by the child's parents ~~or legal guardian, or~~ custodians and the child in ~~family mediation, voluntary~~ services, and treatment offered by the department or through its authorized agent of Juvenile Justice or the Department of Children and Families;

(b) To be a habitual ~~habitually~~ truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27 and ~~through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment~~ offered by the department or its authorized agent of Juvenile Justice or the Department of Children and Families; or

(c) To be ungovernable by having ~~have~~ persistently disobeyed the reasonable and lawful rules and demands of the child's parents, ~~or legal guardians, or~~ custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, ~~or legal guardians, or~~ custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services counseling.

~~(10)~~ "Child support" means ~~a court ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for~~

591-02827-25

20251344c1

monetary support for the care, maintenance, training, and education of a child.

(11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.

(12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:

(a) To have been abandoned, abused, or neglected by the child's parents or other custodians.

(b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Families, or a licensed child-placing agency for purpose of adoption.

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Families, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.

(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.

591-02827-25

20251344c1

(e) To have no parent, legal custodian, or responsible adult relative to provide supervision and care.

(f) To be at substantial risk of imminent abuse or neglect by the parent or parents or the custodian.

(8)(13) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(14) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(9)(15) "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(10) "Custodian" means any adult person who is exercising actual physical custody of the child and is providing food, clothing, and care for the child in the absence of a parent or legal guardian.

(16) "Delinquency program" means any intake, community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to

591-02827-25

20251344c1

581 ~~be or who have been found to be delinquent pursuant to chapter~~
 582 ~~985.~~

583 ~~(11)-(17)~~ "Department" means the Department of Juvenile
 584 Justice.

585 ~~(18)~~ "Detention care" means the temporary care of a child
 586 ~~in secure, nonsecure, or home detention, pending a court~~
 587 ~~adjudication or disposition or execution of a court order. There~~
 588 ~~are three types of detention care, as follows:~~

589 ~~(a)~~ "Secure detention" means temporary custody of the child
 590 while the child is under the physical restriction of a detention
 591 center or facility pending adjudication, disposition, or
 592 placement.

593 ~~(b)~~ "Nonsecure detention" means temporary custody of the
 594 child while the child is in a residential home in the community
 595 in a physically nonrestrictive environment under the supervision
 596 of the Department of Juvenile Justice pending adjudication,
 597 disposition, or placement.

598 ~~(c)~~ "Home detention" means temporary custody of the child
 599 while the child is released to the custody of the parent,
 600 guardian, or custodian in a physically nonrestrictive
 601 environment under the supervision of the Department of Juvenile
 602 Justice staff pending adjudication, disposition, or placement.

603 ~~(19)~~ "Detention center or facility" means a facility used
 604 pending court adjudication or disposition or execution of court
 605 order for the temporary care of a child alleged or found to have
 606 committed a violation of law. A detention center or facility may
 607 provide secure or nonsecure custody. A facility used for the
 608 commitment of adjudicated delinquents shall not be considered a
 609 detention center or facility.

591-02827-25

20251344c1

610 ~~(20)~~ "Detention hearing" means a hearing for the court to
 611 determine if a child should be placed in temporary custody, as
 612 provided for under s. 39.402, in dependency cases.

613 ~~(21)~~ "Diligent efforts of social service agency" means
 614 reasonable efforts to provide social services or reunification
 615 services made by any social service agency as defined in this
 616 section that is a party to a case plan.

617 ~~(22)~~ "Diligent search" means the efforts of a social
 618 service agency to locate a parent or prospective parent whose
 619 identity or location is unknown, or a relative made known to the
 620 social services agency by the parent or custodian of a child.
 621 When the search is for a parent, prospective parent, or relative
 622 of a child in the custody of the department, this search must be
 623 initiated as soon as the agency is made aware of the existence
 624 of such parent, prospective parent, or relative. A diligent
 625 search shall include interviews with persons who are likely to
 626 have information about the identity or location of the person
 627 being sought, comprehensive database searches, and records
 628 searches, including searches of employment, residence,
 629 utilities, Armed Forces, vehicle registration, child support
 630 enforcement, law enforcement, and corrections records, and any
 631 other records likely to result in identifying and locating the
 632 person being sought. The initial diligent search must be
 633 completed within 90 days after a child is taken into custody.
 634 After the completion of the initial diligent search, the
 635 department, unless excused by the court, shall have a continuing
 636 duty to search for relatives with whom it may be appropriate to
 637 place the child, until such relatives are found or until the
 638 child is placed for adoption.

591-02827-25

20251344c1

(12)(23) "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), in child in need of services ~~child in need of services~~ cases.

(13) "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26 to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, and may include judicial action pursuant to s. 984.151 or s. 1003.27.

(14)(24) "Family" means a collective body of persons, consisting of a child and a parent, legal guardian, ~~adult~~ custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, legal guardian, ~~adult~~ custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(15)(25) "Family in need of services" means a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is a habitual ~~habitually~~ truant ~~from school~~ or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the department of

591-02827-25

20251344c1

~~Juvenile Justice~~, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, ~~there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under court-ordered supervision by the department for delinquency under chapter 985 of Juvenile Justice or the Department of Children and Families due to a finding of dependency under chapter 39 an adjudication of dependency or delinquency.~~

~~(26) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.~~

(16)(27) "Habitual ~~Habitually~~ truant" has the same meaning as in s. 1003.01(12). ~~means that:~~

~~(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3), s. 1003.24, or any other exemptions specified by law or the rules of the State Board of Education.~~

~~(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 and 1003.27(3), have been completed.~~

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27(3) and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression~~

591-02827-25

20251344c1

697 ~~plan, the child shall not be determined to be habitually truant~~
 698 ~~and shall be passed. If a child within the compulsory school~~
 699 ~~attendance age has 15 unexcused absences within 90 calendar days~~
 700 ~~or fails to enroll in school, the State Attorney may, or the~~
 701 ~~appropriate jurisdictional agency shall, file a child in need-~~
 702 ~~of-services petition if recommended by the case staffing~~
 703 ~~committee, unless it is determined that another alternative~~
 704 ~~action is preferable. The failure or refusal of the parent or~~
 705 ~~legal guardian or the child to participate, or make a good faith~~
 706 ~~effort to participate, in the activities prescribed to remedy~~
 707 ~~the truant behavior, or the failure or refusal of the child to~~
 708 ~~return to school after participation in activities required by~~
 709 ~~this subsection, or the failure of the child to stop the truant~~
 710 ~~behavior after the school administration and the Department of~~
 711 ~~Juvenile Justice have worked with the child as described in ss.~~
 712 ~~1003.26 and 1003.27(3) shall be handled as prescribed in s.~~
 713 ~~1003.27.~~

714 (17)(28) "Intake" means the initial acceptance and
 715 screening by the department or its authorized agent of a
 716 referral from an early truancy intervention court, a school
 717 board, or a school requesting services; a request for assistance
 718 from a parent or child; or a complaint, of Juvenile Justice of a
 719 complaint or a law enforcement report, or probable cause
 720 affidavit of a child's truancy, ungovernable behavior, or
 721 running away, on behalf of a family delinquency, family in need
 722 of services, or child in need of services to determine the most
 723 appropriate course of action recommendation to be taken in the
 724 best interests of the child, the family, and the community. The
 725 emphasis of intake is on diversion and the least restrictive

591-02827-25

20251344c1

726 available services. Consequently, intake includes such
 727 alternatives as:

728 (a) The disposition of the request for services, complaint,
 729 report, or probable cause affidavit without court or public
 730 agency action or judicial handling when appropriate.

731 (b) The referral of the child to another public or private
 732 agency when appropriate.

733 (c) The recommendation by the assigned intake case manager
 734 ~~juvenile probation officer~~ of judicial handling when appropriate
 735 and warranted.

736 (18)(29) "Judge" means the circuit judge exercising
 737 jurisdiction pursuant to this chapter.

738 ~~(30) "Juvenile justice continuum" includes, but is not~~
 739 ~~limited to, delinquency prevention programs and services~~
 740 ~~designed for the purpose of preventing or reducing delinquent~~
 741 ~~acts, including criminal activity by criminal gangs and juvenile~~
 742 ~~arrests, as well as programs and services targeted at children~~
 743 ~~who have committed delinquent acts, and children who have~~
 744 ~~previously been committed to residential treatment programs for~~
 745 ~~delinquents. The term includes children in need of services and~~
 746 ~~families in need of services programs; conditional release;~~
 747 ~~substance abuse and mental health programs; educational and~~
 748 ~~vocational programs; recreational programs; community services~~
 749 ~~programs; community service work programs; and alternative~~
 750 ~~dispute resolution programs serving children at risk of~~
 751 ~~delinquency and their families, whether offered or delivered by~~
 752 ~~state or local governmental entities, public or private for-~~
 753 ~~profit or not for profit organizations, or religious or~~
 754 ~~charitable organizations.~~

591-02827-25

20251344c1

~~(31) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.~~

~~(19)(32)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

~~(20)(33)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Families to care for, receive, and board children, and includes shelters under this chapter.

~~(21)(34)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement~~

591-02827-25

20251344c1

~~alternatives.~~

~~(22)(36)~~ "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(23) "Needs assessment" means the gathering of information for the evaluation of a child's physical, psychological, educational, vocational, and social condition and family environment related to the child's need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, education services, and other specialized services, as appropriate.

~~(24)(37) "Neglect" has the same meaning as in s. 39.01(53). occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be~~

591-02827-25

20251344c1

considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so ~~requires.~~

~~(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or~~

~~(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.~~

~~(38) "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.~~

~~(25)(39)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

~~(26)(40)~~ "Participant," for purposes of a ~~shelter~~ proceeding under this chapter, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the

591-02827-25

20251344c1

child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

~~(27)(41)~~ "Party," for purposes of a ~~shelter~~ proceeding under this chapter, means the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest or the child has failed to appear for a proceeding after having been noticed. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

~~(28)~~ "Physically secure shelter" means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226. A physically secure shelter unit shall provide 24-hour, continuous supervision.

~~(42)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews, urine and breathalyzer screenings, and reviews of available educational, delinquency, and dependency records of the child.

~~(29)(43)~~ "Preventive services" means social services and other supportive and evaluation and intervention ~~rehabilitative~~ services provided to the child or the parent, ~~of the child, the~~

591-02827-25

20251344c1

871 legal guardian ~~of the child~~, or the custodian of the child ~~and~~
 872 ~~to the child~~ for the purpose of averting the removal of the
 873 child from the home or disruption of a family which will or
 874 could result in an adjudication that orders the placement of a
 875 child under dependency supervision into foster care or into the
 876 delinquency system ~~or that will or could result in the child~~
 877 ~~living on the street~~. Social services and other supportive and
 878 ~~rehabilitative~~ services may include the provision of assessment
 879 and screening services; individual, group, or family counseling;
 880 specialized educational and vocational services; temporary
 881 voluntary shelter for the child; outreach services for children
 882 living on the street; ~~independent living services to assist~~
 883 ~~adolescents in achieving a successful transition to adulthood;~~
 884 and other specialized services.

885 ~~(44) "Protective supervision" means a legal status in~~
 886 ~~child-in-need-of-services cases or family-in-need-of-services~~
 887 ~~cases which permits the child to remain in his or her own home~~
 888 ~~or other placement under the supervision of an agent of the~~
 889 ~~Department of Juvenile Justice or the Department of Children and~~
 890 ~~Families, subject to being returned to the court during the~~
 891 ~~period of supervision.~~

892 ~~(30)(45)~~ "Relative" means a grandparent, great-grandparent,
 893 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
 894 niece, or nephew, whether related by the whole or half blood, by
 895 affinity, or by adoption. The term does not include a
 896 stepparent.

897 ~~(31)(46)~~ "Reunification services" means social services and
 898 other supportive ~~and rehabilitative~~ services provided to the
 899 child and the parent of the child, the legal guardian of the

591-02827-25

20251344c1

900 child, or the custodian of the child, whichever is applicable, +
 901 ~~the child~~, and, where appropriate, ~~the foster parents of the~~
 902 ~~child~~ for the purpose of ~~assisting~~ enabling a child who has been
 903 placed in temporary shelter care to return to his or her family
 904 at the most appropriate and effective ~~earliest possible~~ time
 905 based on the presenting concerns at intake. Social services and
 906 other supportive ~~and rehabilitative~~ services shall be consistent
 907 with the child's need for a safe, continuous, and stable living
 908 environment and shall promote the strengthening of family life
 909 whenever possible.

910 ~~(32)(47)~~ "Secure detention center or facility" means a
 911 physically restricting facility for the temporary care of
 912 children, pending adjudication, disposition, or placement under
 913 chapter 985.

914 ~~(33)(48)~~ "Shelter" means a department-approved shelter
 915 facility for the temporary care of runaway children; children
 916 placed for voluntary shelter respite upon request of the child
 917 or the child's parent, legal guardian, or custodian; or for
 918 placement of a child who has been adjudicated a child in need of
 919 services or who has been found in contempt of court under s.
 920 984.09. Shelters must provide 24-hour continual supervision a
 921 place for the temporary care of a child who is alleged to be or
 922 who has been found to be dependent, a child from a family in
 923 need of services, or a child in need of services, pending court
 924 disposition before or after adjudication or after execution of a
 925 court order. "Shelter" may include a facility which provides 24-
 926 hour continual supervision for the temporary care of a child who
 927 is placed pursuant to s. 984.14.

928 ~~(49)~~ "Shelter hearing" means a hearing provided for under

591-02827-25

20251344c1

s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

~~(50) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Families is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

~~(34)(51)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

~~(35)(52)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, shelter detention, placement, or other disposition as authorized by law.

~~(36)(53)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the

591-02827-25

20251344c1

court order establishing the temporary legal custody relationship.

~~(37)(54)~~ "Truancy petition" means a petition filed by the superintendent of schools under s. 984.151 for the purpose of early truancy intervention alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. ~~A truancy petition is filed and processed under s. 984.151.~~

~~(38)~~ "Truant status offender" means a child subject to the jurisdiction of the court under s. 984.151 who has been found by the court to be truant while subject to compulsory education. The court's jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act solely due to failure to attend school.

~~(39)(55)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

~~(40)~~ "Voluntary family services" means voluntary services provided by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful

591-02827-25 20251344c1

demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian; or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the Department of Juvenile Justice or an agency designated by the department to provide voluntary services to families and children.

Section 5. Section 984.04, Florida Statutes, is amended to read:

984.04 Early truancy intervention; families in need of services and children in need of services; procedures and jurisdiction.-

~~(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truant, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and~~

591-02827-25 20251344c1

~~services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.~~

~~(1)(2)~~ The department of Juvenile Justice shall be responsible for all nonjudicial proceedings involving voluntary a family ~~in need of services~~ for a family identified as a family in need of services.

~~(3) All nonjudicial procedures in family-in-need-of-services cases shall be~~ according to rules established by the department of Juvenile Justice under chapter 120.

~~(2)(4)~~ The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151 is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21 ~~continued placement of a child from a family in need of services in shelter.~~

~~(3)(5)~~ The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to be a child in need of services. When the jurisdiction of any child who has been found to be a child in need of services or the parent, custodian, or legal guardian of such a child is

591-02827-25

20251344c1

obtained, the court shall retain jurisdiction, unless relinquished by its order or unless the department withdraws its petition because the child no longer meets the definition of a child in need of services as defined in s. 984.03, until the child reaches 18 years of age. This subsection ~~does shall not be construed to~~ prevent the exercise of jurisdiction by any other court having jurisdiction of the child ~~if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment.~~

(4) Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15 or under s. 984.151 when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

(5) ~~(6)~~ All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in proceedings under this chapter ~~family-in-need-of-services cases and child-in-need-of-services cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

~~(7) The department may contract with a provider to provide services and programs for families in need of services and children in need of services.~~

Section 6. Subsections (2) and (4) of section 984.06, Florida Statutes, are amended to read:

984.06 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve

591-02827-25

20251344c1

~~the records pertaining to a child in need of services~~ until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(4) Except as provided in subsection (3), all information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the department, school employee, district superintendent, school board employee, or law enforcement agent is confidential and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, school or school board personnel, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

Section 7. Section 984.07, Florida Statutes, is amended to read:

984.07 Right to counsel; waiver; appointed counsel; compensation.—

(1) When a petition is filed alleging that a child is a child in need of services or if the child is subject to contempt proceedings under s. 984.09, the child must be represented by counsel at each court appearance. The court must appoint counsel unless the child is not indigent and has counsel present to represent the child or the record in that proceeding affirmatively demonstrates by clear and convincing evidence that

591-02827-25 20251344c1

1103 the child knowingly and intelligently waived the right to
 1104 counsel after being fully advised by the court of the nature of
 1105 the proceedings and the dispositional alternatives available to
 1106 the court. If the child waives counsel at any proceeding, the
 1107 court shall advise the child with respect to the right to
 1108 counsel at every subsequent hearing.

1109 (2) A child in proceedings under s. 984.151 may have
 1110 counsel appointed by the court if the court determines it is in
 1111 the best interest of the child.

1112 (3) If the court appoints counsel for a child, and if the
 1113 child and his or her parents or legal guardians are indigent and
 1114 unable to employ counsel, the court must appoint an attorney to
 1115 represent the child under s. 27.511. Determination of indigence
 1116 and costs of representation shall be as provided by s. 57.082.
 1117 Legal counsel representing a child who exercises the right to
 1118 counsel may provide advice and counsel to the child at any time
 1119 after appointment.

1120 (4) If the parents or legal guardians of an indigent child
 1121 are not indigent but refuse to employ counsel, the court shall
 1122 appoint counsel pursuant to s. 27.511 to represent the child
 1123 until counsel is provided. Costs of representation must be
 1124 imposed as provided by s. 57.082. Thereafter, the court may not
 1125 appoint counsel for an indigent child with nonindigent parents
 1126 or legal guardian but shall order the parents or legal guardian
 1127 to obtain private counsel.

1128 (a) A parent or legal guardian of an indigent child who has
 1129 been ordered to obtain private counsel for the child and who
 1130 willfully fails to follow the court order shall be punished by
 1131 the court in civil contempt proceedings.

591-02827-25 20251344c1

1132 (b) An indigent child may have counsel appointed pursuant
 1133 to ss. 27.511 and 57.082 if the parents or legal guardian have
 1134 willfully refused to obey the court order to obtain counsel for
 1135 the child and have been punished by civil contempt. Costs of
 1136 representation must be imposed as provided by s. 57.082.

1137 (5) If the court makes a finding that nonindigent parents
 1138 have made a good faith effort to participate in services and
 1139 remediate the child's behavior, but despite their good faith
 1140 efforts, the child's truancy, ungovernable behavior, or runaway
 1141 behavior has persisted, the court may appoint counsel to
 1142 represent the child as provided in s. 27.511.

1143 (6) If counsel is entitled to receive compensation for
 1144 representation pursuant to court appointment in a child in need
 1145 of services proceeding, such compensation may not exceed \$1,000
 1146 at the trial level and \$2,500 at the appellate level.

1147 (7) This section does not preclude the court from
 1148 requesting reimbursement of attorney fees and costs from the
 1149 nonindigent parent or legal guardian.

1150 (8) The court may appoint an attorney to represent a parent
 1151 or legal guardian under this chapter only upon a finding that
 1152 the parent or legal guardian is indigent pursuant to s. 57.082.
 1153 If an attorney is appointed, the parent or legal guardian shall
 1154 be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel~~
 1155 is entitled to receive compensation for representation pursuant
 1156 to court appointment in a child-in-need-of-services proceeding,
 1157 such compensation shall not exceed \$1,000 at the trial level and
 1158 \$2,500 at the appellate level.

1159 Section 8. Subsection (1) of section 984.071, Florida
 1160 Statutes, is amended, and subsection (3) is added to that

591-02827-25

20251344c1

section, to read:

984.071 Resources and information.—

(1) ~~The department of Juvenile Justice, in collaboration with the Department of Children and Families and the Department of Education,~~ shall develop and publish an information guide ~~packet~~ that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents ~~of troubled or runaway children. The~~ information guide shall be published in a written format for distribution and shall also be published on the department's website. In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed. Each information guide ~~packet~~ shall be reviewed annually and updated as appropriate. The school district shall distribute this information guide ~~packet~~ to parents of truant children, and to other parents upon request or as deemed appropriate by the school district. In addition, the department ~~of Juvenile Justice~~ shall distribute the information guide ~~packet~~ to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home, who is ungovernable, or who runs away from home shall make the information guide available to the parent.

(3) The Department of Education and the Department of

591-02827-25

20251344c1

Children and Families must each post the department's information guide on their respective websites.

Section 9. Sections 984.08 and 984.085, Florida Statutes, are repealed.

Section 10. Section 984.0861, Florida Statutes, is created to read:

984.0861 Prohibited use of detention.—A child under the jurisdiction of the court solely pursuant to this chapter may not be placed in:

(1) Any form of detention care intended for the use of alleged juvenile delinquents as authorized under chapter 985 for any purpose.

(2) A secure detention facility authorized for use under chapter 985 for any purpose.

(3) Any jail or other similar facility used for the purpose of detention or confinement of adults for any purpose.

Section 11. Section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and secure detention facilities as provided in s. 984.0861 with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a

591-02827-25

20251344c1

valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a ~~shelter secure~~ facility, as authorized in this section, by order of the court.

(2) ~~PLACEMENT IN A SHELTER SECURE FACILITY.~~—A child adjudicated as a child in need of services may only be placed in a ~~shelter secure facility~~ for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

~~(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.~~

~~(a)(b)~~ A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter operated by or contracted with the department to provide such services or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure shelter setting as provided under s. 984.226 if conditions of eligibility are met.

(b) A child subject to proceedings under s. 984.151 who has been held in direct contempt or indirect contempt may only be

591-02827-25

20251344c1

placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or contracted with the department for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

(c) Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

~~(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~ Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service ~~manual labor~~ or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department ~~of Juvenile~~

591-02827-25

20251344c1

Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child subject to proceedings under this chapter is charged with direct contempt of court, ~~including traffic court,~~ the court may impose an authorized sanction immediately.

(b) If a child subject to proceedings under this chapter is charged with indirect contempt of court, the court must issue an order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~ to determine whether the child committed indirect contempt of a valid court order. The child must be served with the order to show cause and notice of hearing. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~s. 985.033~~.

4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent, legal ~~or~~ guardian, or custodian may address

591-02827-25

20251344c1

the court regarding the due process rights of the child. If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed under subsection (2). If the court orders shelter placement of a child found in contempt of court, the court shall review the matter ~~placement of the child~~ every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a shelter ~~secure~~ facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a shelter ~~secure~~ facility as punishment for contempt of court.

~~(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver license or driving privilege. The court may order that a child's driver license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver license is being withheld at~~

591-02827-25

20251344c1

the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including ~~nonsecure detention programs,~~ community service projects, ~~and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~

Section 12. Section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

591-02827-25

20251344c1

(1) Intake shall be performed by the department or the department's authorized agent. A report ~~or complaint~~ alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent, ~~or~~ legal guardian, or custodian, the local school district, a law enforcement agency, or the Department of Children and Families, having knowledge of the facts may make a report ~~or complaint~~.

(2) A representative of the department shall make a preliminary determination as to whether the report ~~or complaint~~ is complete. The criteria for the completeness of a report ~~or complaint~~ with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in which the representative of the department finds that the report ~~or complaint~~ is incomplete, the representative of the department shall return the report ~~or complaint~~ without delay to the person or agency originating the report ~~or complaint~~ or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report ~~or complaint~~.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and child services and treatment voluntarily accepted by the child and the parents, ~~or~~ legal guardians, or custodians, the department's departmental representative may refer the family or child to an appropriate service ~~and treatment~~ provider. As part

591-02827-25

20251344c1

1393 of the intake procedure, the ~~department's departmental~~
 1394 representative shall inform the parent, ~~or~~ legal ~~custodian~~
 1395 guardian, or custodian, in writing, of the services currently
 1396 ~~and treatment~~ available to the child and family by department
 1397 providers and other ~~or~~ community agencies in the county in which
 1398 the family is located, and the rights and responsibilities of
 1399 the parent, ~~or~~ legal guardian, or custodian under this chapter.
 1400 Upon admission, and depending on services, a staff member may be
 1401 assigned to the family as deemed appropriate.

1402 (4) If the department reasonably believes ~~has reasonable~~
 1403 ~~grounds to believe~~ that the child has been abandoned, abused, or
 1404 neglected, it shall proceed pursuant to the provisions of
 1405 chapter 39 and report immediately to the central abuse hotline.

1406 Section 13. Section 984.11, Florida Statutes, is amended to
 1407 read:

1408 984.11 Services to families ~~in need of services.~~

1409 (1) The department or its authorized agent shall provide an
 1410 array of voluntary family services aimed at remediating school
 1411 truancy, homelessness, and runaway and ungovernable behavior by
 1412 children. Services and treatment to families in need of services
 1413 shall be by voluntary agreement of the parent, ~~or~~ legal
 1414 guardian, or custodian and the child ~~or as directed by a court~~
 1415 ~~order pursuant to s. 984.22.~~

1416 (2) A family is not eligible to receive voluntary family
 1417 services, if, at the time of the referral, the child is under
 1418 court-ordered supervision by the department for delinquency
 1419 under chapter 985 or by the Department of Children and Families
 1420 due to a finding of dependency under chapter 39. A child who has
 1421 received a prearrest delinquency citation, or is receiving

591-02827-25

20251344c1

1422 delinquency diversion services, may receive voluntary family
 1423 services.

1424 (3) If there is a pending investigation into an allegation
 1425 of abuse, neglect or abandonment, the child may be eligible for
 1426 voluntary family services if the Department of Children and
 1427 Families agrees to the provision of services and makes a
 1428 referral. An interagency agreement between the department and
 1429 the Department of Children and Families shall govern this
 1430 referral process, which is contingent on available funding. The
 1431 department must notify the Department of Children and Families
 1432 if a referral is declined.

1433 (4) ~~(2)~~ These services may include, but need not be limited
 1434 to:

- 1435 (a) ~~Homemaker~~ ~~or~~ Parent aide services.
- 1436 (b) Intensive crisis counseling.
- 1437 (c) Parent training.
- 1438 (d) Individual, group, or family counseling.
- 1439 (e) Referral to community mental health services.
- 1440 (f) Prevention and diversion services.
- 1441 (g) Services provided by voluntary or community agencies.
- 1442 (h) Runaway center services.
- 1443 (i) Runaway shelter ~~Housekeeper~~ services.
- 1444 (j) Referral for special educational, tutorial, or remedial
 1445 services.
- 1446 (k) Referral to vocational, career development ~~job~~
 1447 ~~training~~, or employment services.
- 1448 (l) Recreational services.
- 1449 (m) Assessment.
- 1450 (n) Case management.

591-02827-25

20251344c1

(o) Referral for or provision of substance abuse assessment or treatment.

~~(5)(3) The department shall advise the parents, or legal guardian, or custodian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The parent is responsible for using health care insurance to the extent it is available for the provision of health services. The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.~~

~~(4) The department may file a petition with the circuit court to enforce the collection of fees for services and treatment rendered to the child or the parent and other legal custodians.~~

Section 14. Section 984.12, Florida Statutes, is amended to read:

984.12 Case staffing; services and treatment related to a family in need of services.—

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services ~~or treatment~~ if:

(a) The family or child is not in agreement with the

591-02827-25

20251344c1

services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the department ~~of Juvenile Justice~~, and may include the department's authorized agent and a supervisor of the department's contracted provider; a representative from the area of health, mental health, substance abuse, or social, ~~or~~ educational services; a representative of the state attorney; a representative of law enforcement ~~the alternative sanctions coordinator~~; and any person recommended by the child, family, or department. The child and the child's parent, legal guardian, or custodian must be invited to attend the committee meeting.

(3) The case staffing committee shall:

(a) Identify the family's concerns and contributing factors.

(b) Request the family and child to identify their needs and concerns.

(c) Seek input from the school district and any other persons in attendance with knowledge of the family or child's situation and concerns.

(d) Consider the voluntary family services or other community services that have been offered and the results of

591-02827-25

20251344c1

1509 those services.

1510 (e) Identify whether truancy is a concern and evaluate
 1511 compliance with the remedial strategies provided pursuant to s.
 1512 1003.26.

1513 (f) Reach a timely decision to provide the child or family
 1514 with needed services and recommend any appropriate and treatment
 1515 through the development of a plan for services.

1516 (4) The plan for services shall contain the following:

1517 (a) Statement of the concerns ~~problems~~.

1518 (b) Needs of the child.

1519 (c) Needs of the parents, legal guardian, or ~~legal~~
 1520 ~~custodian~~.

1521 (d) Measurable objectives that address the identified
 1522 problems and needs.

1523 (e) Services and treatment to be provided, to include:

1524 1. Type of services or treatment.

1525 2. Frequency of services or treatment.

1526 3. Location.

1527 4. Accountable service providers or staff.

1528 (f) Timeframes for achieving objectives.

1529 (5) Upon receipt of the plan, the child and family shall
 1530 acknowledge their position by accepting or rejecting the
 1531 services and provisions in writing. If the plan is accepted, it
 1532 shall be implemented as soon as is practicable.

1533 (6) The assigned case manager shall have responsibility A
 1534 ~~case manager shall be designated by the case staffing committee~~
 1535 ~~to be responsible~~ for implementing the plan. The department's
 1536 authorized agent ~~case manager~~ shall periodically review the
 1537 progress towards achieving the objectives of the plan in order

591-02827-25

20251344c1

1538 to:

1539 (a) Advise the case staffing committee of the need to make
 1540 adjustments to the plan; ~~or~~

1541 (b) Recommend a child in need of services petition be filed
 1542 by the department; or

1543 (c) ~~(b)~~ Terminate the case as indicated by successful or
 1544 substantial achievement of the objectives of the plan.

1545 (7) The parent, legal guardian, or ~~legal~~ custodian may
 1546 convene a meeting of the case staffing committee, ~~and any other~~
 1547 ~~member of the committee may convene a meeting if the member~~
 1548 ~~finds that doing so is in the best interest of the family or~~
 1549 ~~child. A case staffing committee meeting requested by a parent,~~
 1550 ~~guardian, or legal custodian must be convened within 7 days,~~
 1551 ~~excluding weekends and legal holidays, after the date the~~
 1552 ~~department's representative receives the request in writing.~~

1553 (8) Any other member of the committee may convene a meeting
 1554 if voluntary family services have been offered and the services
 1555 have been rejected by the child or family, or the child has not
 1556 made measurable progress toward achieving the service plan
 1557 goals, and the member finds that doing so is in the best
 1558 interest of the family or child.

1559 (9) A case staffing committee meeting must be convened
 1560 within 30 days after the date the case is referred by the court
 1561 pursuant to s. 984.151.

1562 (10) ~~(8)~~ Within 7 days after meeting, the case staffing
 1563 committee shall provide the parent, legal guardian, or ~~legal~~
 1564 custodian with a written report that details the reasons for the
 1565 committee's decision to recommend, or decline to recommend, that
 1566 the department file a petition alleging that the child is a

591-02827-25

20251344c1

child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15. Section 984.13, Florida Statutes, is amended to read:

984.13 Taking a child into custody ~~a child alleged to be from a family in need of services or to be a child in need of services.-~~

(1) A child may be taken into custody:

(a) By a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child has run away from his or her parents, legal guardian, or ~~other legal~~ custodian.

(b) By a designated school representative pursuant to s. 1003.26(3) or a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent, ~~or~~ legal guardian, or custodian, for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer or designated school representative pursuant to s. 1003.26(3) shall deliver the child to the parent,

591-02827-25

20251344c1

~~or~~ legal guardian, or custodian, to a location determined by the parent, legal ~~or~~ guardian, or custodian, or to a designated truancy interdiction site until the parent or guardian can be located.

(c) Pursuant to an order of the circuit court based upon sworn testimony ~~before or~~ after a child in need of services petition is filed under s. 984.15.

(d) Pursuant to an order of the circuit court based upon a finding of contempt under this chapter for the purpose of delivering the child to a designated shelter facility.

(e) ~~(d)~~ By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this chapter or placement in a shelter.

(2) The person taking the child into custody shall:

(a) Release the child to a parent, legal guardian, legal custodian, or responsible adult relative and make a full written report to the department's authorized agent for families in need of services within 3 days after release ~~or to a department-approved family in need of services and child in need of services provider~~ if the person taking the child into custody reasonably believes ~~has reasonable grounds to believe~~ the child has run away from a parent, legal guardian, or ~~legal~~ custodian; is truant; or is ungovernable and beyond the control of the parent, guardian, or legal custodian; ~~following such release, the person taking the child into custody shall make a full written report to the intake office of the department within 3 days; or~~

(b) Deliver the child to a shelter when: ~~the department, stating the facts by reason of which the child was taken into~~

591-02827-25

20251344c1

~~eustody and sufficient information to establish probable cause that the child is from a family in need of services.~~

1. The parent, legal guardian, or custodian is unavailable to take immediate custody of the child;

2. The child requested voluntary family services and shelter placement;

3. A court order under this chapter for shelter placement has been issued; or

4. The child and the parent, legal guardian, or custodian voluntarily agree the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.

(c) Deliver the child to a hospital for necessary evaluation and treatment if the child is reasonably believed to be suffering from a serious physical condition which requires either prompt diagnosis or treatment.

(d) Deliver the child to a designated public receiving facility as defined in s. 394.455 for examination under s. 394.463 if the child is reasonably believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1).

(e) Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child is reasonably believed to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

(3) If the child is taken into custody and by, or is delivered to a shelter, the department, the department's

591-02827-25

20251344c1

authorized agent ~~appropriate representative of the department~~ shall review the facts and make such further inquiry as necessary to determine whether the child shall remain in shelter, receive voluntary family services that would allow the child alleged to be from a family in need of services to remain at home, eustody or be released. ~~Unless shelter is required as provided in s. 984.14(1), the department shall:~~

~~(a) Release the child to his or her parent, guardian, or legal custodian, to a responsible adult relative, to a responsible adult approved by the department, or to a department-approved family in need of services and child in need of services provider; or~~

~~(b) Authorize temporary services and treatment that would allow the child alleged to be from a family in need of services to remain at home.~~

Section 16. Section 984.14, Florida Statutes, is amended to read:

984.14 Voluntary shelter services placement, hearing.—

(1) Temporary voluntary shelter services provided by the department shall provide a safe environment with 24-hour care and supervision, referrals for services as needed, and education at the center or offsite and counseling services for children. Unless ordered by the court pursuant to the provisions of this chapter, or upon voluntary consent to placement by the child and the child's parent, legal guardian, or custodian, a child taken into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required:

591-02827-25

20251344c1

~~(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement, or~~

~~(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.~~

(2) If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine whether the child can safely return home, or determine whether the family is seeking temporary voluntary shelter services until they can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the Department of Children and Families shall be contacted to assume custody of the child ~~If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody.~~

~~(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each~~

591-02827-25

20251344c1

~~condition required to be determined in subsection (1).~~

~~(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

~~(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

~~(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

~~(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent children under any circumstances.~~

~~(8) The court may order the placement of a child in need of services into a staff secure facility for no longer than 5 days for the purpose of evaluation and assessment.~~

591-02827-25

20251344c1

Section 17. Section 984.15, Florida Statutes, is amended to read:

984.15 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, legal guardian, or legal custodian. ~~If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.~~

(2)(a) The department shall file a petition for a child in need of services if the child meets the definition of a child in need of services, and the case ~~manager~~ or staffing committee recommends ~~requests~~ that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in voluntary family services and treatment.

(b) Once the requirements in paragraph (a) have been met, the department shall file a petition for a child in need of services as soon as practicable ~~within 45 days~~.

(c) The petition shall be in writing, shall state the specific grounds ~~under s. 984.03(9)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The

591-02827-25

20251344c1

petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, legal guardian, or ~~legal~~ custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, legal guardian, or ~~legal~~ custodian.

3. The parent, legal guardian, or ~~legal~~ custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(10) ~~s. 984.12(8)~~.

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of

591-02827-25

20251344c1

services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

~~(4)(d)~~ The petition must be signed by the petitioner under oath.

~~(5)(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

~~(a)1-~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

~~(b)2-~~ The subject of a pending petition ~~referral~~ alleging that the child is delinquent; or

~~(c)3-~~ Under the current supervision of the department or the Department of Children and Families for an adjudication or withholding of adjudication of delinquency or dependency.

~~(6)(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

~~(7)(5)~~ The petitioner ~~department or the parent, guardian, or legal custodian~~ may withdraw a petition at any time before ~~prior to~~ the child is being ~~is~~ adjudicated a child in need of services.

Section 18. Section 984.151, Florida Statutes, is amended to read:

984.151 Early truancy intervention; truancy petition; judgment ~~prosecution; disposition.~~

591-02827-25

20251344c1

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special magistrate ~~master~~ pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, legal guardian, or ~~legal~~ custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school in compliance with s. 1003.26; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

591-02827-25

20251344c1

1857 (6) The student and the student's parent or guardian shall
1858 attend the hearing.

1859 (7) If the court determines that the student did miss any
1860 of the alleged days, the court shall enter an order finding the
1861 child to be a truant status offender and the court shall order
1862 the student to attend school and order the parent, legal
1863 guardian, or custodian to ensure that the student attends
1864 school. The court's power under this subsection is limited to
1865 entering orders to require the student to attend school and
1866 require the student and family to participate in services to
1867 encourage regular school attendance. The court, and may order
1868 any of the following services:

1869 (a) The student to participate in alternative sanctions to
1870 include mandatory attendance at alternative classes; to be
1871 followed by mandatory community services hours for a period up
1872 to 6 months; the student and

1873 (b) The student's parent, legal or guardian, or custodian
1874 to participate in parenting classes ~~homemaker or parent aide~~
1875 ~~services~~;

1876 (c) The student or the student's parent, legal or guardian
1877 or custodian to participate in individual, group, or family
1878 intensive crisis counseling;

1879 (d) The student or the student's parent, legal or guardian
1880 or custodian to participate in community mental health services
1881 or substance abuse treatment services if available and
1882 applicable;

1883 (e) The student and the student's parent, legal or
1884 guardian, or custodian to participate in services ~~service~~
1885 provided by state or community ~~voluntary or community~~ agencies,

591-02827-25

20251344c1

1886 if appropriate as available, including services for families in
1887 need of services as provided in s. 984.11;

1888 (f) The student and the student's parent, legal guardian,
1889 or custodian to attend meetings with school officials to address
1890 the child's educational needs, classroom assignment, class
1891 schedule, and other barriers to school attendance identified by
1892 the child's school, the child or his or her family;

1893 (g) The student and the student's parent, legal guardian,
1894 or custodian to engage in learning activities provided by the
1895 school board as to why education is important and the potential
1896 impact on the child's future employment and education options if
1897 the attendance problem persists; or

1898 (h) ~~and~~ The student or the student's parent, legal or
1899 guardian, or custodian to participate in vocational or job
1900 training, ~~or employment services~~.

1901 (8) If the student does not substantially comply with
1902 compulsory school attendance and court-ordered services required
1903 under ~~successfully complete the sanctions ordered in~~ subsection
1904 (7), and the child meets the definition of a child in need of
1905 services, the case shall be referred by the court to the
1906 department's authorized agent for review by the case staffing
1907 committee under s. 984.12 with a recommendation to file a
1908 petition for child in need of services ~~child-in-need-of-services~~
1909 ~~petition~~ under s. 984.15. The court shall review the case not
1910 less than every 45 days to determine whether the child is in
1911 substantial compliance with compulsory education or if the case
1912 should be referred to the case staffing committee in accord with
1913 this subsection.

1914 (9) If the student substantially complies with compulsory

591-02827-25

20251344c1

school attendance the court shall close the truancy case.

(10) If the child is adjudicated a child in need of services pursuant to s. 984.21, the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04.

(12) The court may not order a child placed in shelter pursuant to this section unless the court has found the child to be in contempt for violation of a court order under s. 984.09.

(13)(9) The parent, legal guardian, or ~~legal~~ custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

(14) Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09 two or more times shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a petition for a child in need of services.

(15) The clerk of court must serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's authorized agent.

Section 19. Subsections (3) and (5) of section 984.16, Florida Statutes, are amended, and subsection (11) is added to

591-02827-25

20251344c1

that section, to read:

984.16 Process and service for child in need of services petitions.-

(3) The summons shall require the person on whom it is served to appear for a hearing at a time, ~~and place, and manner~~ specified. ~~Except in cases of medical emergency, the time shall not be less than 24 hours after service of the summons.~~ The summons must ~~may~~ require the custodian to bring the child to court ~~if the court determines that the child's presence is necessary.~~ A copy of the petition shall be attached to the summons.

(5) The jurisdiction of the court shall attach to the child and the parent, legal guardian, or custodian, ~~or legal guardian~~ of the child and the case when the summons is served upon the child or a parent, ~~or~~ legal guardian, or actual custodian of the child; ~~or~~ when the child is taken into custody with or without service of summons and after filing of a petition for a child in need of services; or when a party personally appears before the court whichever occurs first, and thereafter the court may control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a student's school, including, but not limited to, an order that a student attend school, attend school with his or her parent, requiring the parent to participate in meetings, including parent-teacher conferences, Section 504 plan meetings or individualized education plan meetings to address the student's disability, the office of the clerk of the court shall provide notice to the school of the court's order.

Section 20. Section 984.17, Florida Statutes, is amended to

591-02827-25

20251344c1

read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.

(3) When a petition for a child in need of services has been filed and the parents, legal guardian, or ~~legal~~ custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

(4) An attorney representing the department shall represent the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies the allegations of the petition and contests the adjudication.~~

Section 21. Section 984.18, Florida Statutes, is repealed.

Section 22. Section 984.19, Florida Statutes, is amended to

read:

591-02827-25

20251344c1

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department ~~or its authorized agent may is authorized to~~ have a medical screening provided for performed on the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided performed by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When ~~the department has performed~~ the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to

591-02827-25

20251344c1

obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and

591-02827-25

20251344c1

achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ eliminate the right of a parent, legal a guardian, or custodian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, ~~nothing in~~ this section does not ~~shall be deemed to~~ alter the provisions of s. 743.064.

(8) A court may order ~~shall not be precluded from ordering~~ services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church

591-02827-25

20251344c1

or religious organization, when required by the child's health and when requested by the child.

(9) ~~Nothing in This section does not shall be construed to~~ authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child ~~alleged to be or found to be a child from a family in need of services or a child in need of services~~ shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the legal guardian, or custodian did not consent to the medical treatment. After a hearing, the court may order the parents, legal or guardian, or custodian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) A judge may order a child under its jurisdiction to submit to substance abuse evaluation, testing, and treatment in accordance with s. 397.706 ~~Nothing in this section alters the authority of the department to consent to medical treatment for a child who has been committed to the department pursuant to s. 984.22(3) and of whom the department has become the legal~~

591-02827-25

20251344c1

~~custodian.~~

(13) At any time after the filing of a petition for a child in need of services, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 23. Section 984.20, Florida Statutes, is amended to read:

984.20 Hearings for child in need of services ~~child in-need-of-services~~ cases.—

(1) ARRAIGNMENT HEARING.—

(a) The clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07. ~~When a child has been taken into custody by order of the court, an arraignment hearing shall be held within 7 days after the date the child is taken into custody.~~ The hearing shall be held for the child and the parent, legal guardian, or custodian to admit, deny, or consent to findings that a child is in need of services as alleged in the petition. If the child and the parent, legal guardian, or custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or

591-02827-25

20251344c1

custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing ~~7 days after the date of the arraignment hearing.~~

(b) The court may grant a continuance of the arraignment hearing ~~When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition.~~ if the child or and the parent, legal guardian, or custodian request a continuance to obtain an attorney. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation ~~admit or consent to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing.~~

(c) If at the arraignment hearing the child and the parent, legal guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~, the court shall proceed to hold a disposition hearing at the earliest practicable time that will allow for the completion of a predisposition study.

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the adjudication of the child as a child in need of services. The document containing the notice to respond or appear must

591-02827-25

20251344c1

contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and, if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to adjudication of the child as a child in need of services.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. ~~If the child is in custody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil

591-02827-25

20251344c1

cases and adjourning the hearings from time to time as necessary. In ~~an adjudicatory~~ a hearing ~~on a petition in which it is alleged that the child is a child in need of services,~~ a preponderance of evidence shall be required to establish that the child is in need of services. If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is best served by so doing. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, legal guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing,~~ the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.

~~(a)~~ The predisposition study shall cover:

1. All treatment and services that the parent, legal guardian, or custodian and child received.
2. The love, affection, and other emotional ties existing

591-02827-25

20251344c1

between the ~~family parents~~ and the child.

3. The capacity and disposition of the parents, legal guardian, or custodian to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

5. The permanence, as a family unit, of the existing or proposed custodial home.

6. The moral fitness of the parents, legal guardian, or custodian.

7. The mental and physical health of the family.

8. The home, school, and community record of the child.

9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention, services, and treatment for the parent, legal guardian, custodian, and child to prevent the removal of the child from the home or to reunify the child with the parent, legal guardian, or custodian after removal or to reconcile the problems between the family parent, guardian, or custodian and the child.†

2. The inappropriateness of other prevention, treatment,

591-02827-25

20251344c1

and services that were available.~~+~~

3. The efforts by the department to prevent ~~shelter out-of-~~
~~home~~ placement of the child or, when applicable, to reunify the
parent, legal guardian, or custodian if appropriate services
were available.~~+~~

4. Whether voluntary family ~~the~~ services were provided.~~+~~

5. If the voluntary family services and treatment were
provided, whether they were sufficient to meet the needs of the
child and the family and to enable the child to remain at home
or to be returned home.~~+~~

6. If the voluntary family services and treatment were not
provided, the reasons for such lack of provision.~~+~~ ~~and~~

7. The need for, or appropriateness of, continuing such
treatment and services if the child remains in the custody of
the parent, legal guardian, or custodian or if the child is
placed outside the home.

(c) If placement of the child with anyone other than the
child's parent, guardian, or custodian is being considered, the
study shall include the designation of a specific length of time
as to when custody by the parent, guardian, or custodian shall
be reconsidered.

(d) A copy of this predisposition study shall be furnished
to the person having custody of the child at the time such
person is notified of the disposition hearing.

(e) After review of the predisposition study and other
relevant materials, the court shall hear from the parties and
consider all recommendations for court-ordered services,
evaluations, treatment and required actions designed to remedy
the child's truancy, ungovernable behavior, or running away. The

591-02827-25

20251344c1

court shall enter an order of disposition.

Any other relevant and material evidence, including other
written or oral reports, may be received by the court in its
effort to determine the action to be taken with regard to the
child and may be relied upon to the extent of its probative
value, even though not competent in an adjudicatory hearing.
Except as provided in paragraph (2)(c), ~~nothing in~~ this section
does not shall prohibit the publication of proceedings in a
hearing.

(4) REVIEW HEARINGS.—

(a) The court shall hold a review hearing within 45 days
after the disposition hearing. Additional review hearings may be
held as necessary, allowing sufficient time for the child and
family to work toward compliance with the court orders and
monitoring by the case manager. No longer than 90 days may
elapse between judicial review hearings but no less than 45 days
after the date of the last review hearing.

(b) The parent, legal guardian, or custodian and the child
shall be noticed to appear for the review hearing. The
department must appear at the review hearing. If the parent,
legal guardian, or custodian does not appear at a review
hearing, or if the court finds good cause to waive the child's
presence, the court may proceed with the hearing and enter
orders that affect the child and family accordingly.

~~(c)(b)~~ At the review hearings, the court shall consider the
department's judicial review summary. The court shall close the
case if the child has substantially complied with the case plans
and court orders and no longer requires continued court

591-02827-25

20251344c1

supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter, but no less than 45 days after the date of the last review hearing.

Section 24. Section 984.21, Florida Statutes, is amended to read:

984.21 Orders of adjudication.—

(2)(1) If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismiss ~~dismissing~~ the case.

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

591-02827-25

20251344c1

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2),~~ it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

~~(1)(4)~~ An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 25. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, legal guardian, or custodian and the child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, legal guardian, or custodian to pay a fine or fee based on the recommendations of the department.

591-02827-25

20251344c1

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, legal guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's authorized agent ~~contracted~~ provider of programs and services for children in need of services and families in need of services. The term "supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, legal guardian, or custodian of the child, to render community service in a public service program.

(e) Order the child placed in shelter pursuant to s. 984.225 or s. 984.226.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, or a licensed child-caring agency, ~~the Department of Juvenile Justice, or the Department of Children and Families,~~ the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of

591-02827-25

20251344c1

assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the department ~~of Juvenile Justice,~~ or the Department of Children and Families. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency to receive, collect, and manage ~~for the purpose of receiving, collecting, and managing~~ the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

~~(4) All payments of fees made to the department under this chapter, or child support payments made to the department pursuant to subsection (3), shall be deposited in the General Revenue Fund.~~

~~(4)-(5)~~ In carrying out the provisions of this chapter, the court shall order the child, family, parent, legal guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

~~(5)-(6)~~ The participation and cooperation of the family,

591-02827-25 20251344c1

parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its ~~orders~~ order.

Section 26. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a ~~staff-secure~~ shelter.-

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. ~~for up to 90 days in a staff-secure shelter if:~~

(2) The court shall order the parent, legal guardian, or custodian to cooperate with reunification efforts and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those

591-02827-25 20251344c1

services.

(3) Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

(a) The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive, remedies have been exhausted, the child may be placed in shelter for up to 90 days if:

1.~~(a)~~ The child's parent, legal guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or legal custodian;

2.~~(b)~~ The child refuses to remain under the reasonable care and custody of ~~the his or her~~ parent, legal guardian, or legal custodian, as evidenced by repeatedly running away and failing to comply with a court order; or

3.~~(c)~~ The child has failed to successfully complete an alternative treatment program or to comply with a court-ordered services ~~sanction~~ and the child has been placed in a shelter residential program on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services under this chapter.

(4) The court shall review the child's 90-day shelter

591-02827-25

20251344c1

2495 placement within 45 days after the child's placement and
 2496 determine whether continued shelter is deemed necessary. The
 2497 court shall also determine whether the parent, legal guardian,
 2498 or custodian has reasonably participated in the child's
 2499 counseling and treatment program, and is following the
 2500 recommendations of the program to work toward reunification. The
 2501 court shall also determine whether the department's
 2502 reunification efforts have been reasonable. If the court finds
 2503 an inadequate level of support or participation by the parent,
 2504 legal guardian, or custodian before the end of the shelter
 2505 commitment period, the court shall direct that the child be
 2506 handled in every respect as a dependent child. Jurisdiction
 2507 shall be transferred to the Department of Children and Families,
 2508 and the child's care shall be governed under the relevant
 2509 provisions of chapter 39. The department shall notify and
 2510 coordinate with the Department of Children and Families for the
 2511 transfer of jurisdiction. The clerk of court shall serve the
 2512 Department of Children and Families with any court order of
 2513 referral.

2514 ~~(2) This section applies after other alternative, less-~~
 2515 ~~restrictive remedies have been exhausted. The court may order~~
 2516 ~~that a child be placed in a staff-secure shelter. The~~
 2517 ~~department, or an authorized representative of the department,~~
 2518 ~~must verify to the court that a bed is available for the child.~~
 2519 ~~If the department or an authorized representative of the~~
 2520 ~~department verifies that a bed is not available, the department~~
 2521 ~~will place the child's name on a waiting list. The child who has~~
 2522 ~~been on the waiting list the longest will get the next available~~
 2523 ~~bed.~~

591-02827-25

20251344c1

2524 ~~(3) The court shall order the parent, guardian, or legal~~
 2525 ~~custodian to cooperate with efforts to reunite the child with~~
 2526 ~~the family, participate in counseling, and pay all costs~~
 2527 ~~associated with the care and counseling provided to the child~~
 2528 ~~and family, in accordance with the family's ability to pay as~~
 2529 ~~determined by the court. Commitment of a child under this~~
 2530 ~~section is designed to provide residential care on a temporary~~
 2531 ~~basis. Such commitment does not abrogate the legal~~
 2532 ~~responsibilities of the parent, guardian, or legal custodian~~
 2533 ~~with respect to the child, except to the extent that those~~
 2534 ~~responsibilities are temporarily altered by court order.~~

2535 ~~(4) While a child is in a staff-secure shelter, the child~~
 2536 ~~shall receive education commensurate with his or her grade level~~
 2537 ~~and educational ability.~~

2538 (5) If a child has not been reunited with his or her
 2539 parent, legal guardian, or ~~legal~~ custodian at the expiration of
 2540 the 90-day commitment period, the court may order that the child
 2541 remain in the ~~staff-secure~~ shelter for an additional 30 days if
 2542 the court finds that reunification could be achieved within that
 2543 period.

2544 ~~(6)~~ The department is deemed to have exhausted the
 2545 reasonable remedies offered under this chapter if, at the end of
 2546 the 90-day shelter commitment period, the parent, legal
 2547 guardian, or ~~legal~~ custodian continues to refuse to allow the
 2548 child to remain at home or creates unreasonable conditions for
 2549 the child's return. If, at the end of the 90-day shelter
 2550 commitment period, the child is not reunited with his or her
 2551 parent, legal guardian, or custodian due solely to the continued
 2552 refusal of the parent, legal guardian, or custodian to provide

591-02827-25

20251344c1

food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

~~(6)(8)~~ If the child requires residential mental health treatment or residential care for a developmental disability, the court shall order refer the child transferred to the custody of the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary

591-02827-25

20251344c1

services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

Section 27. Section 984.226, Florida Statutes, is amended to read:

984.226 Physically secure shelter setting.—

(1) Subject to specific legislative appropriation, the department of ~~Juvenile Justice~~ shall establish or contract for physically secure shelters settings designated exclusively for the placement of children in need of services who meet the criteria provided in this section.

~~(2) When a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.033. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

~~(2)(3)~~ When a child is adjudicated as a child in need of services by a court and all other less restrictive placements have been exhausted, the court may order the child to be placed in a physically secure shelter setting authorized in this ~~section~~ if the child has:

591-02827-25

20251344c1

(a) Failed to appear for placement in a ~~staff-secure~~ shelter for up to 90 days as ordered under s. 984.225, or failed to comply with any other provision of a valid court order relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a 90-day ~~staff-secure~~ shelter following placement under s. 984.225 ~~or s. 984.09~~.

The department or an authorized agent representative of the department must verify to the court that a bed is available for the child in a physically secure shelter. If a bed is not available in a physically secure shelter, the court must stay the placement until such a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure shelter. Physically secure shelter placement may only be used when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements setting.

~~(3)(4)~~ A child may be placed in a physically secure shelter setting for up to 90 days by order of the court. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure shelter setting, the court may order that the child remain in the physically secure shelter setting for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(4)(5)~~(a) The court shall review the child's placement once

591-02827-25

20251344c1

within every 45 days to determine whether the child can be returned home with the provision of ongoing services as provided in s. 984.20.

(b) At any time during the placement of a child in need of services in a physically secure shelter setting, the department or an authorized agent representative of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure shelter setting and is ready for reunification with a parent or guardian; or

2. That the child is unlikely to benefit from continued placement in the physically secure shelter setting and is more likely to have his or her needs met in a different type of placement. The court may order that the child be transitioned from a physically secure shelter to a shelter placement as provided in s. 984.225 upon a finding that the physically secure shelter is no longer necessary for the child's safety and to provide needed services.

(c) The court shall determine if the parent, legal guardian, or custodian has reasonably participated in and has ~~financially~~ contributed to or participated in the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the placement, the court shall direct that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed by chapter 39. The department shall notify and coordinate with the Department of Children and

591-02827-25

20251344c1

Families for provision of services to the child. The clerk of court shall serve the Department of Children and Families with any court order of referral.

(e) If the child requires long-term residential mental health treatment or residential care for a developmental disability, the court shall transfer custody of ~~refer~~ the child to the Department of Children and Families or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.

~~(5)(6)~~ Prior to being ordered to a physically secure shelter setting, the child must be afforded all rights of due process required under s. 984.07 ~~985.037~~.

(6) While in the physically secure shelter setting, the child shall receive appropriate assessment, intervention, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with individual and family counseling and other support services necessary for reunification.

(7) The court shall order the parent, legal guardian, or ~~legal~~ custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the child's insurance and the family's ability to pay as determined by the court. Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the

591-02827-25

20251344c1

legal responsibilities of the parent, legal guardian, or ~~legal~~ custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

Section 28. Section 985.731, Florida Statutes, is transferred and renumbered as section 787.035, Florida Statutes.

Section 29. Subsection (9) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—As used in this chapter, the term:

(9) "Child who has been found to have committed a delinquent act" means a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a ~~dependency~~ proceeding under chapter 39 or chapter 984 or a proceeding concerning a child or family in need of services.

Section 30. Subsection (4) of section 985.24, Florida Statutes, is amended to read:

985.24 Use of detention; prohibitions.—

(4) A child who is alleged to be dependent under chapter 39, or any child subject to proceedings under chapter 984, ~~but~~ who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31. Section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role

591-02827-25

20251344c1

in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school is required to ~~shall~~ implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee must ~~shall~~ contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as

591-02827-25

20251344c1

defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher must ~~shall~~ report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. ~~The principal shall,~~ Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal must ~~shall~~ notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance. ~~The child study team may allow the parent to attend the meeting virtually or by telephone if the parent is unable to attend the meeting in person.~~

(c) If the parent or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy based upon the information available to the school. The recommendations shall be provided to the parent within 7 days after the child study team meeting. If the an

591-02827-25

20251344c1

initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.

2. Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if the learning environment is an issue of concern.

~~3.2.~~ Evaluation for alternative education programs.

~~4.3.~~ Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to the Department of Juvenile Justice's designated provider for voluntary family services, or to other agencies for family services or recommend ~~recommendation for~~ filing a truancy petition pursuant to s. 984.151.

(d) The child study team must ~~shall~~ be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the

591-02827-25

20251344c1

strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d). The first portfolio review must occur within the first 30 calendar days after ~~of~~ the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the

591-02827-25

20251344c1

2843 definition of the term "regular school attendance" under s.
 2844 1003.01(16) (a), (b), (c), or (e), within 3 days. Upon
 2845 termination of a home education program pursuant to this
 2846 subparagraph, the parent shall not be eligible to reenroll the
 2847 child in a home education program for 180 calendar days. Failure
 2848 of a parent to enroll the child in an attendance option as
 2849 required by this subparagraph after termination of the home
 2850 education program pursuant to this subparagraph shall constitute
 2851 noncompliance with the compulsory attendance requirements of s.
 2852 1003.21 and may result in criminal prosecution under s.
 2853 1003.27(2). Nothing contained herein shall restrict the ability
 2854 of the district school superintendent, or the ability of his or
 2855 her designee, to review the portfolio pursuant to s.
 2856 1002.41(1)(e).

2857 (g) If a student subject to compulsory school attendance
 2858 will not comply with attempts to enforce school attendance, the
 2859 parent or the district school superintendent or his or her
 2860 designee must ~~shall~~ refer the case to the Department of Juvenile
 2861 Justice's authorized agent, which shall then offer voluntary
 2862 family services, and schedule a meeting of the case staffing
 2863 committee pursuant to s. 984.12 if the services do not remediate
 2864 the child's truancy, and the district school superintendent or
 2865 his or her designee may file a truancy petition pursuant to the
 2866 procedures in s. 984.151.

2867 (h) If a student subject to compulsory school attendance is
 2868 responsive to the interventions described in this section and
 2869 has completed the necessary requirements to pass the current
 2870 grade as indicated in the district pupil progression plan, the
 2871 student may not be determined to be a habitual truant and shall

591-02827-25

20251344c1

2872 be promoted.

2873 (2) GIVE WRITTEN NOTICE.—

2874 (a) Under the direction of the district school
 2875 superintendent, a designated school representative must provide
 2876 ~~shall give~~ written notice in person or by return-receipt mail to
 2877 the parent, requiring the child's that requires enrollment or
 2878 attendance within 3 days after the date of notice, ~~in person or~~
 2879 ~~by return-receipt mail, to the parent~~ when no valid reason is
 2880 found for a student's nonenrollment in school if the child is
 2881 under compulsory education requirements, and is not exempt. If
 2882 the child is not enrolled or in attendance in school within 3
 2883 days after the notice being provided and requirement are
 2884 ~~ignored~~, the designated school representative must ~~shall~~ report
 2885 the case to the district school superintendent, who must may
 2886 refer the case to the child study team in paragraph (1)(b) at
 2887 the school the student would be assigned according to district
 2888 school board attendance area policies. In addition, the
 2889 designated school representative may refer the case to the
 2890 Department of Juvenile Justice's authorized agent for families
 2891 in need of services ~~or to the case staffing committee,~~
 2892 ~~established pursuant to s. 984.12.~~ The child study team must
 2893 ~~shall~~ diligently facilitate intervention services and ~~shall~~
 2894 report the case back to the district school superintendent
 2895 within 15 days after referral of the case if only when all
 2896 reasonable efforts to resolve the nonenrollment behavior have
 2897 been made and the child is still not attending school are
 2898 ~~exhausted~~. If the parent ~~still~~ refuses to cooperate or enroll
 2899 the child in school within 15 days after referral of the case to
 2900 the child study team, the district school superintendent must

591-02827-25

20251344c1

make a report to law enforcement and refer the case to the Office of the State Attorney ~~shall take such steps as are necessary~~ to bring criminal prosecution against the parent.

(b) Subsequent to referring the case to the Office of the State Attorney ~~the activities required under subsection (1)~~, the district school superintendent or his or her designee must ~~shall~~ give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN STUDENT TO PARENT.—A designated school representative may visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent. If the parent cannot be located or is unavailable to take custody of the child, and the child is not to be presented to the child's school or tutor, the youth shall be referred to the Department of Juvenile Justice's shelter, to another facility, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO APPROPRIATE AUTHORITY.—A designated school representative shall report to the appropriate authority

591-02827-25

20251344c1

designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 32. Subsections (2), (3), (4), (6), and (7) of section 1003.27, Florida Statutes, are amended to read:

1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) ~~In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found,~~ The district school superintendent shall institute a criminal prosecution against the student's parent, in each case of nonenrollment or of nonattendance of a student who is required to attend school, when no valid reason for the nonenrollment or nonattendance is found. ~~However,~~ Criminal prosecution may not be instituted against the student's parent until the school and school district have complied with s. 1003.26.

591-02827-25

20251344c1

2959 (b) Each public school principal or the principal's
 2960 designee ~~must shall~~ notify the district school board of each
 2961 minor student under its jurisdiction who accumulates 15
 2962 unexcused absences in a period of 90 calendar days. Reports
 2963 shall be made to the district school board at the end of each
 2964 school quarter. The calculation of 15 absences within 90 days
 2965 are determined based on calendar days and are not limited to the
 2966 span of one school quarter during which the nonattendance begins
 2967 or ends. The district school board shall verify the schools
 2968 reporting 15 or more unexcused absences within a 90-day period
 2969 have complied with the requirements of remediating truancy at
 2970 the school level or pursuing appropriate court intervention as
 2971 provided in this section. Any school not meeting the
 2972 requirements in this paragraph shall provide a remedial action
 2973 plan to the school board within 30 days, and follow up within 90
 2974 days to confirm all truancy cases have been addressed either
 2975 through the child's enrollment and regular attendance or
 2976 referral of the case to the appropriate court or agency to
 2977 pursue court intervention.

2978 (c) The district school superintendent must provide the
 2979 Department of Highway Safety and Motor Vehicles the legal name,
 2980 sex, date of birth, and social security number of each minor
 2981 student who has been reported under this paragraph and who fails
 2982 to otherwise satisfy the requirements of s. 322.091. The
 2983 Department of Highway Safety and Motor Vehicles may not issue a
 2984 driver license or learner's driver license to, and shall suspend
 2985 any previously issued driver license or learner's driver license
 2986 of, any such minor student, pursuant ~~to the provisions of~~ s.
 2987 322.091.

Page 103 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

2988 (d)(e) Each designee of the governing body of each private
 2989 school and each parent whose child is enrolled in a home
 2990 education program or personalized education program may provide
 2991 the Department of Highway Safety and Motor Vehicles with the
 2992 legal name, sex, date of birth, and social security number of
 2993 each minor student under his or her jurisdiction who fails to
 2994 satisfy relevant attendance requirements and who fails to
 2995 otherwise satisfy the requirements of s. 322.091. The Department
 2996 of Highway Safety and Motor Vehicles may not issue a driver
 2997 license or learner's driver license to, and shall suspend any
 2998 previously issued driver license or learner's driver license of,
 2999 any such minor student pursuant to s. 322.091.

3000 (3) HABITUAL TRUANCY CASES.— The district school
 3001 superintendent ~~may is authorized to~~ file a truancy petition
 3002 seeking early truancy intervention, as defined in s. 984.03,
 3003 following the procedures outlined in s. 984.151. If the district
 3004 school superintendent chooses not to file a truancy petition,
 3005 the case must be referred to the Department of Juvenile
 3006 Justice's authorized agent for families in need of services. The
 3007 procedures for filing a child in need of services ~~child-in-need-~~
 3008 ~~of-services~~ petition ~~must shall~~ be commenced pursuant to this
 3009 subsection and chapter 984 if voluntary family services do not
 3010 remediate the child's truancy. The. ~~In accordance with~~
 3011 ~~procedures established by the district school board, the~~
 3012 designated school representative ~~must shall~~ refer a student who
 3013 is a habitual ~~habitually~~ truant and the student's family to the
 3014 Department of Juvenile Justice's designated children in need of
 3015 services provider for provision of voluntary services, and may
 3016 refer the case to ~~children-in-need-of-services and families-in-~~

Page 104 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

~~need-of-services provider or~~ the case staffing committee, established pursuant to s. 984.12, following the referral process established by the cooperative interagency agreement as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a petition for child in need of services ~~child-in-need-of-services petition~~ based upon the report and efforts of the district school board or other community agency, and early truancy intervention by the circuit court, after review and an initial meeting, or may seek to resolve the truant behavior through the school or community-based organizations or other state or local agencies. Prior to ~~and subsequent to~~ the filing of a child in need of services petition for a child in need of services due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and ss. 984.11 and ~~or~~ 1003.26 to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. 1003.26, and those efforts must have been unsuccessful.

(4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~ Department of Juvenile Justice's authorized agent Justice or his ~~or her designee, the circuit manager's designee, the district administrator of the Department of Children and Families or the district administrator's designee,~~ and the district school superintendent or his or her ~~the superintendent's~~ designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility, and function in working with ~~habitual~~ truants and their

591-02827-25

20251344c1

families.

(b) Identifies and implements measures to quickly resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the Department of Juvenile Justice or its authorized agent ~~circuit juvenile justice manager or the circuit manager's designee~~ and the district school superintendent or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under this chapter may be commenced by the district school superintendent or his or her designee, by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education or the Department of Juvenile Justice, by a parent, or in the case of a criminal prosecution, by the Office of the State Attorney. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding

591-02827-25 20251344c1

courts shall make every effort to coordinate services or sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

(7) PENALTIES.—The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) *The parent.*—

1. A parent who refuses or fails to have a minor student who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. The continued or habitual absence of a minor student without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other sanctions authorized under s. 984.151 ~~punishment~~, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship or is prohibited by rules or policy of the school board, perform community service hours ~~at the school~~, or

591-02827-25 20251344c1

participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) *The principal or teacher.*—A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) *The employer.*—

1. An employer who fails to notify the district school superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) *The student.*—

~~4.~~ In addition to any other sanctions authorized under s. 984.151 ~~sanctions~~, the court shall order a student found to be a ~~habitual~~ truant to make up all school work missed and attend school daily with no unexcused absences or tardiness, and may order the child to ~~and may order the student to pay a civil penalty of up to \$2, based on the student's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or~~ participate in counseling or other

591-02827-25

20251344c1

services, as appropriate.

~~2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to \$5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.~~

Section 33. Paragraph (g) is added to subsection (7) of section 381.02035, Florida Statutes, to read:

381.02035 Canadian Prescription Drug Importation Program.—

(7) ELIGIBLE IMPORTERS.—The following entities may import prescription drugs from an eligible Canadian supplier under the program:

(g) A pharmacist or wholesaler employed by or under contract with the Department of Juvenile Justice, for dispensing to juveniles in the custody of the Department of Juvenile Justice.

Section 34. Paragraph (a) of subsection (5) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(5)(a) A minor who violates subsection (3):

1. For a first offense, commits a misdemeanor of the first degree; shall serve a period of detention of up to 5 days in a secure detention facility, with credit for time served in secure detention prior to disposition; and shall be required to perform

Page 109 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

100 hours of community service or paid work as determined by the department.

2. For a second or subsequent offense, commits a felony of the third degree. For a second offense, the minor shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A finding by a court that a minor committed a violation of this section, regardless of whether the court adjudicates the minor delinquent or withholds adjudication of delinquency, withhold of adjudication of delinquency shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

Section 35. Paragraph (a) of subsection (2) of section 985.12, Florida Statutes, is amended to read:

985.12 Prearrest delinquency citation programs.—

(2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(a) A prearrest delinquency citation program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of

Page 110 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency citation program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. ~~The department shall annually develop and provide guidelines on best practice models for prearrest delinquency citation programs to the judicial circuits as a resource.~~

Section 36. Subsection (5) of section 985.126, Florida Statutes, is amended to read:

985.126 Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record.—

(5) The department shall provide a quarterly report to be published on its website and distributed to the Governor, President of the Senate, and Speaker of the House of Representatives listing the entities that use prearrest delinquency citations for less than 80 ~~70~~ percent of first-time misdemeanor offenses.

Section 37. Paragraph (c) of subsection (1) of section 985.25, Florida Statutes, is amended to read:

985.25 Detention intake.—

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the

591-02827-25

20251344c1

department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release. If the final score on the child's risk assessment instrument indicates release or supervised release is appropriate, but the department otherwise determines that there should be supervised release or detention, the department shall contact the state attorney, who may authorize an upward departure. Notwithstanding any other provision of this paragraph, a child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 38. Paragraph (c) of subsection (7) of section 985.433, Florida Statutes, is amended to read:

985.433 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(7) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including

591-02827-25

20251344c1

any determination that the child was a member of a criminal gang.

(c) The court may also require that the child be placed on ~~conditional release in a probation program~~ following the child's discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

Section 39. Section 985.625, Florida Statutes, is repealed.

Section 40. Subsection (4) of section 985.632, Florida Statutes, is amended to read:

985.632 Quality improvement and cost-effectiveness; Comprehensive Accountability Report.—

~~(4) COST-EFFECTIVENESS MODEL.—The department, in consultation with the Office of Economic and Demographic Research and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program.~~

~~(a) The cost-effectiveness model shall compare program costs to expected and actual child recidivism rates. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model.~~

~~(b) The department shall rank commitment programs based on the cost-effectiveness model, performance measures, and adherence to quality improvement standards and shall report this data in the annual Comprehensive Accountability Report.~~

~~(c) Based on reports of the department on child outcomes and program outputs and on the department's most recent cost-~~

591-02827-25

20251344c1

~~effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum standard of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.~~

~~(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.~~

~~(e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:~~

~~1. Construct a profile of each commitment program that uses the results of the quality improvement data portion of the Comprehensive Accountability Report required by this section, the cost-effectiveness data portion of the Comprehensive Accountability Report required in this subsection, and other reports available to the department.~~

~~2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1. and target, for technical assistance, any commitment program~~

591-02827-25

20251344c1

that has achieved low or disparate ratings in the reports required under subparagraph 1.

~~3. Identify the essential factors that contribute to the high, low, or disparate program ratings.~~

~~4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, child outcomes and program outputs, provider contracts, quality improvement standards, and the cost-effectiveness model.~~

Section 41. Subsection (8) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded on alleged abuse, as defined in s. 39.01 or s. 415.102, ~~or s. 984.03~~; incest, as defined in s. 826.04; or an action brought pursuant to s. 787.061 may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

Section 42. Subsection (1) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(1) In each case in which regular support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's

Page 115 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

payment of current support, any arrearage that may have accrued under an existing order of support, and, if a parenting time plan was not incorporated into the existing order of support, include either a signed, agreed-upon parenting time plan or a signed Title IV-D Standard Parenting Time Plan, if appropriate. The department shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the obligor's address, if known, and the public assistance case number. Whenever applicable, the procedures established under chapter 88, Uniform Interstate Family Support Act, chapter 61, Dissolution of Marriage; Support; Time-sharing, chapter 39, Proceedings Relating to Children, chapter 984, Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children, and chapter 985, Delinquency; Interstate Compact on Juveniles, may govern actions instituted under this act, except that actions for support under chapter 39, chapter 984, or chapter 985 brought pursuant to this act shall not require any additional investigation or supervision by the department.

Section 43. Paragraph (e) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the term:

(e) "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22(3)(a); a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be

Page 116 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25 20251344c1

3365 dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in
 3366 need of services as defined in s. 984.03 ~~or s. 985.03~~.
 3367 Section 44. Subsection (3) of section 744.309, Florida
 3368 Statutes, is amended to read:
 3369 744.309 Who may be appointed guardian of a resident ward.—
 3370 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 3371 of a felony or who, from any incapacity or illness, is incapable
 3372 of discharging the duties of a guardian, or who is otherwise
 3373 unsuitable to perform the duties of a guardian, shall be
 3374 appointed to act as guardian. Further, no person who has been
 3375 judicially determined to have committed abuse, abandonment, or
 3376 neglect against a child as defined in s. 39.01 or s. 984.03(1),
 3377 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless
 3378 of adjudication, or entered a plea of nolo contendere or guilty
 3379 to, any offense prohibited under s. 435.04 or similar statute of
 3380 another jurisdiction, shall be appointed to act as a guardian.
 3381 Except as provided in subsection (5) or subsection (6), a person
 3382 who provides substantial services to the proposed ward in a
 3383 professional or business capacity, or a creditor of the proposed
 3384 ward, may not be appointed guardian and retain that previous
 3385 professional or business relationship. A person may not be
 3386 appointed a guardian if he or she is in the employ of any
 3387 person, agency, government, or corporation that provides service
 3388 to the proposed ward in a professional or business capacity,
 3389 except that a person so employed may be appointed if he or she
 3390 is the spouse, adult child, parent, or sibling of the proposed
 3391 ward or the court determines that the potential conflict of
 3392 interest is insubstantial and that the appointment would clearly
 3393 be in the proposed ward's best interest. The court may not

Page 117 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25 20251344c1

3394 appoint a guardian in any other circumstance in which a conflict
 3395 of interest may occur.
 3396 Section 45. Section 784.075, Florida Statutes, is amended
 3397 to read:
 3398 784.075 Battery on detention or commitment facility staff
 3399 or a juvenile probation officer.—A person who commits a battery
 3400 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
 3401 985.03, on other staff of a detention center or facility as
 3402 defined in s. 984.03 ~~s. 984.03(19)~~ or s. 985.03, or on a staff
 3403 member of a commitment facility as defined in s. 985.03, commits
 3404 a felony of the third degree, punishable as provided in s.
 3405 775.082, s. 775.083, or s. 775.084. For purposes of this
 3406 section, a staff member of the facilities listed includes
 3407 persons employed by the Department of Juvenile Justice, persons
 3408 employed at facilities licensed by the Department of Juvenile
 3409 Justice, and persons employed at facilities operated under a
 3410 contract with the Department of Juvenile Justice.
 3411 Section 46. Paragraph (b) of subsection (4) of section
 3412 985.618, Florida Statutes, is amended to read:
 3413 985.618 Educational and career-related programs.—
 3414 (4)
 3415 (b) Evaluations of juvenile educational and career-related
 3416 programs shall be conducted according to the following
 3417 guidelines:
 3418 1. Systematic evaluations and quality assurance monitoring
 3419 shall be implemented, in accordance with s. 985.632(1), (2), and
 3420 (4) ~~(5)~~, to determine whether the programs are related to
 3421 successful postrelease adjustments.
 3422 2. Operations and policies of the programs shall be

Page 118 of 119

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02827-25

20251344c1

3423 reevaluated to determine if they are consistent with their
3424 primary objectives.

3425 Section 47. This act shall take effect July 1, 2025.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1344
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 25th, 2025

I respectfully request that **Senate Bill #1344**, relating to Juvenile Justice, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line. Below the line, the text "Senator Corey Simon" and "Florida Senate, District 3" is printed.

Senator Corey Simon
Florida Senate, District 3

The Florida Senate

APPEARANCE RECORD

4/10/25
Meeting Date

App. Com. on Crim + Civil Justice
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

1344

Bill Number or Topic

Amendment Barcode (if applicable)

Name Candice Brower, Office of Criminal Conflict + Civil Regional Counsel Phone _____

Address 227 N. Bronough St.
Street

Email Candice.brower@rc1fl.com

Tallahassee FL
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-10-25

Meeting Date

CCJ Approps

Committee

1344-Juvenile Justice

Bill Number or Topic

Amendment Barcode (if applicable)

Name Rob Johnson

Phone 850-491-1930

Address 215 S. Monroe St.

Email Rob@themayernickgroup.com

Street

Tall

City

FL

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Network of Youth & Family Services

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/25

Meeting Date

SB 1344

Bill Number or Topic

SENATE APPROPRIATIONS ON CRIM & CIVIL JUSTICE

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name CHRISTIAN MINOR

Phone (321) 223-4232

Address 1445 SPRUCE AVE

Street

Email CMINOR@FTJA.ORG

TALLAHASSEE

City

FL

State

32303

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FLORIDA JUVENILE JUSTICE ASSOCIATION

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

CS/SB 1344

Bill Number or Topic

4/10/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Appointments on Criminal and Civil Justice
Committee

Amendment Barcode (if applicable)

Name Chancer Teel

Phone 850-717-2716

Address 2737 Centerville Drive
Street

Email chancer.teel@fldsj.gov

Tallahassee FL 32399
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
FL Department of
Juvenile Justice

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



772728

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Simon) recommended the following:

Senate Amendment (with title amendment)

Delete lines 490 - 2674
and insert:
or court-ordered supervision by the Department of Children and
Families under chapter 39 ~~for an adjudication of dependency or~~
~~delinquency~~. The child must also, pursuant to this chapter, be
found by the court:

(a) To have persistently run away from the child's parents,
~~or~~ legal guardians, or custodians despite reasonable efforts of



772728

11 ~~the child,~~ the parents, ~~or~~ legal guardians, or custodians, and
12 appropriate agencies to remedy the conditions contributing to
13 the behavior. Reasonable efforts shall include ~~voluntary~~
14 participation by the child's parents ~~or~~ legal guardian, or
15 custodians and the child in ~~family mediation,~~ voluntary
16 services, and treatment offered by the department or through its
17 authorized agent of Juvenile Justice or the Department of
18 ~~Children and Families;~~

19 (b) To be a habitual ~~habitually~~ truant from school, while
20 subject to compulsory school attendance, despite reasonable
21 efforts to remedy the situation pursuant to ss. 1003.26 and
22 1003.27 and ~~through voluntary participation by the child's~~
23 ~~parents or legal custodians and by the child in family~~
24 ~~mediation, services, and treatment~~ offered by the department or
25 its authorized agent of Juvenile Justice or the Department of
26 ~~Children and Families; or~~

27 (c) To be ungovernable by having ~~have~~ persistently
28 disobeyed the reasonable and lawful rules and demands of the
29 child's parents, ~~or~~ legal guardians, or custodians, and to be
30 beyond their control despite the child having the mental and
31 physical capacity to understand and obey lawful rules and
32 demands, and despite efforts by the child's parents, ~~or~~ legal
33 guardians, or custodians and appropriate agencies to remedy the
34 conditions contributing to the behavior. Reasonable efforts may
35 include such things as good faith participation in voluntary
36 family services or individual services ~~counseling.~~

37 ~~(10) "Child support" means a court-ordered obligation,~~
38 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~
39 ~~monetary support for the care, maintenance, training, and~~



772728

~~education of a child.~~

~~(11) "Child who has been found to have committed a delinquent act" means a child who, pursuant to the provisions of chapter 985, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to this chapter.~~

~~(12) "Child who is found to be dependent" or "dependent child" means a child who, pursuant to this chapter, is found by the court:~~

~~(a) To have been abandoned, abused, or neglected by the child's parents or other custodians.~~

~~(b) To have been surrendered to the former Department of Health and Rehabilitative Services, the Department of Children and Families, or a licensed child-placing agency for purpose of adoption.~~

~~(c) To have been voluntarily placed with a licensed child-rearing agency, a licensed child-placing agency, an adult relative, the former Department of Health and Rehabilitative Services, or the Department of Children and Families, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents have failed to substantially comply with the requirements of the plan.~~

~~(d) To have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption and a natural parent or parents signed a consent pursuant to the Florida Rules of Juvenile Procedure.~~

~~(e) To have no parent, legal custodian, or responsible~~



772728

~~adult relative to provide supervision and care.~~

~~(f) To be at substantial risk of imminent abuse or neglect
by the parent or parents or the custodian.~~

~~(8)(13)~~ "Circuit" means any of the 20 judicial circuits as
set forth in s. 26.021.

~~(14) "Comprehensive assessment" or "assessment" means the
gathering of information for the evaluation of a juvenile
offender's or a child's physical, psychological, educational,
vocational, and social condition and family environment as they
relate to the child's need for rehabilitative and treatment
services, including substance abuse treatment services, mental
health services, developmental services, literacy services,
medical services, family services, and other specialized
services, as appropriate.~~

~~(9)(15)~~ "Court," unless otherwise expressly stated, means
the circuit court assigned to exercise jurisdiction under this
chapter.

~~(10) "Custodian" means any adult person who is exercising
actual physical custody of the child and is providing food,
clothing, and care for the child in the absence of a parent or
legal guardian.~~

~~(16) "Delinquency program" means any intake, community
control, or similar program; regional detention center or
facility; or community-based program, whether owned and operated
by or contracted by the Department of Juvenile Justice, or
institution owned and operated by or contracted by the
Department of Juvenile Justice, which provides intake,
supervision, or custody and care of children who are alleged to
be or who have been found to be delinquent pursuant to chapter~~



772728

~~985.~~

~~(11)(17)~~ "Department" means the Department of Juvenile Justice.

~~(18) "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:~~

~~(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.~~

~~(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.~~

~~(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.~~

~~(19) "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.~~

~~(20) "Detention hearing" means a hearing for the court to~~



772728

~~determine if a child should be placed in temporary custody, as provided for under s. 39.402, in dependency cases.~~

~~(21) "Diligent efforts of social service agency" means reasonable efforts to provide social services or reunification services made by any social service agency as defined in this section that is a party to a case plan.~~

~~(22) "Diligent search" means the efforts of a social service agency to locate a parent or prospective parent whose identity or location is unknown, or a relative made known to the social services agency by the parent or custodian of a child. When the search is for a parent, prospective parent, or relative of a child in the custody of the department, this search must be initiated as soon as the agency is made aware of the existence of such parent, prospective parent, or relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial diligent search must be completed within 90 days after a child is taken into custody. After the completion of the initial diligent search, the department, unless excused by the court, shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.~~

~~(12)(23)~~ "Disposition hearing" means a hearing in which the



772728

court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), in child in need of services ~~child in need of services~~ cases.

(13) "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26 to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, and may include judicial action pursuant to s. 984.151 or s. 1003.27.

~~(14)(24)~~ "Family" means a collective body of persons, consisting of a child and a parent, legal guardian, ~~adult~~ custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, legal guardian, ~~adult~~ custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

~~(15)(25)~~ "Family in need of services" means a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is a habitual ~~habitually~~ truant ~~from school~~ or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the department ~~of~~ ~~Juvenile Justice~~, or an agency contracted to provide services to



772728

children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, ~~there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under court-ordered supervision by the department for delinquency under chapter 985 or under court-ordered supervision by of Juvenile Justice or the Department of Children and Families under chapter 39 due to an adjudication of dependency or delinquency.~~

~~(26) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.~~

~~(16)(27) "Habitual ~~Habitually~~ truant" has the same meaning as in s. 1003.01(12).~~ means that:

~~(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3), s. 1003.24, or any other exemptions specified by law or the rules of the State Board of Education.~~

~~(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 and 1003.27(3), have been completed.~~

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27(3) and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant~~



772728

~~and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child in need of services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 1003.26 and 1003.27(3) shall be handled as prescribed in s. 1003.27.~~

~~(17)(28)~~ "Intake" means the initial acceptance and screening by the department or its authorized agent of a referral from an early truancy intervention court, a school board, or a school requesting services; a request for assistance from a parent or child; or a complaint, ~~of Juvenile Justice of a complaint or a law enforcement report,~~ or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family delinquency, family in need of services, or child in need of services to determine the most appropriate course of action ~~recommendation to be taken~~ in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such



772728

alternatives as:

(a) The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the assigned intake case manager ~~juvenile probation officer~~ of judicial handling when appropriate and warranted.

~~(18)~~(29) "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

~~(30) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by criminal gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children in need of services and families in need of services programs; conditional release; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.~~

~~(31) "Juvenile probation officer" means the authorized~~



772728

~~agent of the department who performs and directs intake, assessment, probation, or conditional release, and other related services.~~

~~(19)(32)~~ "Legal custody" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

~~(20)(33)~~ "Licensed child-caring agency" means an agency licensed by the Department of Children and Families pursuant to s. 409.175 ~~a person, society, association, or agency licensed by the Department of Children and Families to care for, receive, and board children.~~

~~(21)(34)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement



772728

~~alternatives.~~

~~(22)(36)~~ "Necessary medical treatment" means care that is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

~~(23)~~ "Needs assessment" means the gathering of information for the evaluation of a child's physical, psychological, educational, vocational, and social condition and family environment related to the child's need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, education services, and other specialized services, as appropriate.

~~(24)(37)~~ "Neglect" has the same meaning as in s. 39.01(53).
~~occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be~~



772728

~~considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:~~

~~(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or~~

~~(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.~~

~~(38) "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.~~

~~(25)(39)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

~~(26)(40)~~ "Participant," for purposes of a ~~shelter~~ proceeding under this chapter, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents, identified prospective parents, grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the



772728

child. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(27)(41) "Party," for purposes of a shelter proceeding under this chapter, means the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest or the child has failed to appear for a proceeding after having been noticed. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(28) "Physically secure shelter" means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226. A physically secure shelter unit shall provide 24-hour, continuous supervision. A physically secure shelter must be licensed by the Department of Children and Families as a licensed child-caring agency.

~~(42) "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.~~

(29)(43) "Preventive services" means social services and



772728

other supportive and evaluation and intervention ~~rehabilitative~~ services provided to the child or the parent, ~~of the child, the~~ legal guardian ~~of the child,~~ or the custodian of the child and ~~to the child~~ for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision ~~into foster care~~ or into the delinquency system ~~or that will or could result in the child living on the street.~~ Social services and other supportive and ~~rehabilitative~~ services may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street; ~~independent living services to assist adolescents in achieving a successful transition to adulthood;~~ and other specialized services.

~~(44) "Protective supervision" means a legal status in child-in-need-of-services cases or family-in-need-of-services cases which permits the child to remain in his or her own home or other placement under the supervision of an agent of the Department of Juvenile Justice or the Department of Children and Families, subject to being returned to the court during the period of supervision.~~

~~(30)(45)~~ (30) "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

~~(31)(46)~~ (31) "Reunification services" means social services and



772728

other supportive ~~and rehabilitative~~ services provided to the child and the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable, ~~the child; and, where appropriate, the foster parents of the child~~ for the purpose of assisting ~~enabling~~ a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective ~~earliest possible~~ time based on the presenting concerns at intake. Social services and other supportive ~~and rehabilitative~~ services shall be consistent with the child's need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.

(32) ~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement under chapter 985.

(33) ~~(48)~~ "Shelter" means a department-approved shelter facility for the temporary care of runaway children; children placed for voluntary shelter respite upon request of the child or the child's parent, legal guardian, or custodian; or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09. Shelters must provide 24-hour continual supervision. A shelter must be licensed by the Department of Children and Families as a licensed child-caring agency ~~a place for the temporary care of a child who is alleged to be or who has been found to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after adjudication or after execution of a~~



772728

~~court order. "Shelter" may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 984.14.~~

~~(49) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.~~

~~(50) "Staff secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Families is unable to properly assess or place for assistance within the continuum of services provided for dependent children.~~

~~(34)(51)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

~~(35)(52)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, shelter ~~detention~~, placement, or other disposition as authorized by law.

~~(36)(53)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and



772728

duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(37) ~~(54)~~ "Truancy petition" means a petition filed by the superintendent of schools under s. 984.151 for the purpose of early truancy intervention alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.

(38) "Truant status offender" means a child subject to the jurisdiction of the court under s. 984.151 who has been found by the court to be truant while subject to compulsory education. The court's jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act solely due to failure to attend school.

(39) ~~(55)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.



772728

(40) "Voluntary family services" means voluntary services provided by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian; or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the Department of Juvenile Justice or an agency designated by the department to provide voluntary services to families and children.

Section 5. Section 984.04, Florida Statutes, is amended to read:

984.04 Early truancy intervention; families in need of services and children in need of services; procedures and jurisdiction.-

~~(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child. Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have~~



772728

~~been exhausted. In creating this chapter, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services.~~

~~(1)(2)~~ The department of Juvenile Justice shall be responsible for all nonjudicial proceedings involving voluntary a family in need of services for a family identified as a family in need of services.

~~(3)~~ All nonjudicial procedures in family-in-need-of-services cases shall be according to rules established by the department of Juvenile Justice under chapter 120.

~~(2)(4)~~ The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151 is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21
~~continued placement of a child from a family in need of services in shelter.~~

~~(3)(5)~~ The circuit court shall have exclusive original



772728

jurisdiction of proceedings in which a child is alleged to be a child in need of services. When the jurisdiction of any child who has been found to be a child in need of services or the parent, custodian, or legal guardian of such a child is obtained, the court shall retain jurisdiction, unless relinquished by its order or unless the department withdraws its petition because the child no longer meets the definition of a child in need of services as defined in s. 984.03, until the child reaches 18 years of age. This subsection does ~~shall~~ not be ~~construed to~~ prevent the exercise of jurisdiction by any other court having jurisdiction of the child ~~if the child commits a violation of law, is the subject of the dependency provisions under this chapter, or is the subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment.~~

(4) Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15 or under s. 984.151 when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

(5) ~~(6)~~ All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in proceedings under this chapter ~~family-in-need-of-services cases and child-in-need-of-services cases~~ shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

~~(7) The department may contract with a provider to provide services and programs for families in need of services and children in need of services.~~

Section 6. Subsections (2) and (4) of section 984.06,



772728

Florida Statutes, are amended to read:

984.06 Oaths, records, and confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records ~~pertaining to a child in need of services~~ until 10 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy them. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which are filed in the case.

(4) Except as provided in subsection (3), all information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the department, school employee, district superintendent, school board employee, or law enforcement agent is confidential and may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, school or school board personnel, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the court.

Section 7. Section 984.07, Florida Statutes, is amended to read:

984.07 Right to counsel; waiver; appointed counsel;
compensation.—

(1) When a petition is filed alleging that a child is a child in need of services or if the child is subject to contempt proceedings under s. 984.09, the child must be represented by



772728

counsel at each court appearance. The court must appoint counsel unless the child is not indigent and has counsel present to represent the child or the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

(2) A child in proceedings under s. 984.151 may have counsel appointed by the court if the court determines it is in the best interest of the child.

(3) If the court appoints counsel for a child, and if the child and his or her parents or legal guardians are indigent and unable to employ counsel, the court must appoint an attorney to represent the child under s. 27.511. Determination of indigence and costs of representation shall be as provided by s. 57.082. Legal counsel representing a child who exercises the right to counsel may provide advice and counsel to the child at any time after appointment.

(4) If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511 to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.



772728

(a) A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

(b) An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082 if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082.

(5) If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child's behavior, but despite their good faith efforts, the child's truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511.

(6) If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need of services proceeding, such compensation may not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

(7) This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent or legal guardian.

(8) The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel is entitled to receive compensation for representation pursuant to court appointment in a child-in-need-of-services proceeding,~~



772728

~~such compensation shall not exceed \$1,000 at the trial level and \$2,500 at the appellate level.~~

Section 8. Subsection (1) of section 984.071, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

984.071 Resources and information.—

(1) ~~The department of Juvenile Justice, in collaboration with the Department of Children and Families and the Department of Education,~~ shall develop and publish an information guide ~~packet~~ that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents ~~of troubled or runaway children~~. The information guide shall be published in a written format for distribution and shall also be published on the department's website. ~~In preparing the information packet, the Department of Juvenile Justice shall work with school district superintendents, juvenile court judges, county sheriffs, and other local law enforcement officials in order to ensure that the information packet lists services and resources that are currently available within the county in which the packet is distributed.~~ Each information guide ~~packet~~ shall be reviewed annually and updated as appropriate. The school district shall distribute this information guide ~~packet~~ to parents of truant children, and to other parents upon request or as deemed appropriate by the school district. In addition, the department ~~of Juvenile Justice~~ shall distribute the information guide ~~packet~~ to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child



772728

who is locked out of the home, who is ungovernable, or who runs away from home shall make the information guide available to the parent.

(3) The Department of Education and the Department of Children and Families must each post the department's information guide on their respective websites.

Section 9. Sections 984.08 and 984.085, Florida Statutes, are repealed.

Section 10. Section 984.0861, Florida Statutes, is created to read:

984.0861 Prohibited use of detention.—A child under the jurisdiction of the court solely pursuant to this chapter may not be placed in:

(1) Any form of detention care intended for the use of alleged juvenile delinquents as authorized under chapter 985 for any purpose.

(2) A secure detention facility authorized for use under chapter 985 for any purpose.

(3) Any jail or other similar facility used for the purpose of detention or confinement of adults for any purpose.

Section 11. Section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the



772728

use of contempt powers and prohibit the use of detention care
and secure detention facilities as provided in s. 984.0861 ~~with~~
~~respect to commitment of a child to a secure facility~~. A child
who commits direct contempt of court or indirect contempt of a
valid court order may be taken into custody and ordered to serve
an alternative sanction or placed in a shelter ~~secure~~ facility,
as authorized in this section, by order of the court.

(2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child
adjudicated as a child in need of services may only be placed in
a shelter ~~secure~~ facility for purposes of punishment for
contempt of court if alternative sanctions are unavailable or
inappropriate, or if the child has already been ordered to serve
an alternative sanction but failed to comply with the sanction.

~~(a) A delinquent child who has been held in direct or~~
~~indirect contempt may be placed in a secure detention facility~~
~~for 5 days for a first offense or 15 days for a second or~~
~~subsequent offense, or in a secure residential commitment~~
~~facility.~~

(a) (b) A child in need of services who has been held in
direct contempt or indirect contempt may be placed, for 5 days
for a first offense or 15 days for a second or subsequent
offense, in a ~~staff-secure~~ shelter operated by or contracted
with the department to provide such services ~~or a staff-secure~~
~~residential facility solely for children in need of services if~~
~~such placement is available, or, if such placement is not~~
~~available, the child may be placed in an appropriate mental~~
~~health facility or substance abuse facility for assessment~~. In
addition to disposition under this paragraph, a child in need of
services who is held in direct contempt or indirect contempt may



772728

be placed in a physically secure shelter ~~setting~~ as provided under s. 984.226 if conditions of eligibility are met.

(b) A child subject to proceedings under s. 984.151 who has been held in direct contempt or indirect contempt may only be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or contracted with the department for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

(c) Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

~~(3) ALTERNATIVE SANCTIONS. Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~

Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service ~~manual labor~~ or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to



772728

comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department ~~of Juvenile Justice~~ to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the ~~manual~~ labor of children and limited immunity in accordance with s. 768.28(11).

(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child subject to proceedings under this chapter is charged with direct contempt of court, ~~including traffic court,~~ the court may impose an authorized sanction immediately.

(b) If a child subject to proceedings under this chapter is charged with indirect contempt of court, the court must issue an order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~ to determine whether the child committed indirect contempt of a valid court order. The child must be served with the order to show cause and notice of hearing. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.

2. Right to an explanation of the nature and the consequences of the proceedings.

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 984.07 ~~s. 985.033~~.

4. Right to confront witnesses.

5. Right to present witnesses.



772728

6. Right to have a transcript or record of the proceeding.

7. Right to appeal to an appropriate court.

The child's parent, legal ~~or~~ guardian, or custodian may address the court regarding the due process rights of the child. If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed under subsection (2). If the court orders shelter placement of a child found in contempt of court, the court shall review the matter ~~placement of the child~~ every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a shelter ~~secure~~ facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a shelter ~~secure~~ facility as punishment for contempt of court.

~~(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver license or driving privilege. The court may order that a child's driver license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver license or driving privilege is suspended or~~



772728

~~revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.~~

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, ~~pursuant to subsection (3).~~ Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including ~~nonsecure detention programs,~~ community service projects, ~~and other juvenile sanctions,~~ in ~~conjunction with the circuit plan implemented in accordance with~~



772728

~~s. 790.22(4)(c).~~

Section 12. Section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(1) Intake shall be performed by the department or the department's authorized agent. A report ~~or complaint~~ alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent, ~~or~~ legal guardian, or custodian, the local school district, a law enforcement agency, or the Department of Children and Families, having knowledge of the facts may make a report ~~or complaint~~.

(2) A representative of the department shall make a preliminary determination as to whether the report ~~or complaint~~ is complete. The criteria for the completeness of a report ~~or complaint~~ with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03 ~~s. 984.03(27)~~. In any case in which the representative of the department finds that the report ~~or complaint~~ is incomplete, the representative of the department shall return the report ~~or complaint~~ without delay to the person or agency originating the report ~~or complaint~~ or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report ~~or complaint~~.

(3) If the representative of the department determines that in his or her judgment the interests of the family, the child, and the public will be best served by providing the family and



772728

child services and treatment voluntarily accepted by the child and the parents, ~~or~~ legal guardians, ~~or~~ custodians, the department's departmental representative may refer the family or child to an appropriate service ~~and treatment~~ provider. As part of the intake procedure, the department's departmental representative shall inform the parent, ~~or~~ legal ~~custodian~~ guardian, or custodian, in writing, of the services currently ~~and treatment~~ available to the child and family by department providers and other ~~or~~ community agencies in the county in which the family is located, and the rights and responsibilities of the parent, ~~or~~ legal guardian, ~~or~~ custodian under this chapter. Upon admission, and depending on services, a staff member may be assigned to the family as deemed appropriate.

(4) If the department reasonably believes ~~has reasonable grounds to believe~~ that the child has been abandoned, abused, or neglected, it shall proceed pursuant to ~~the provisions of~~ chapter 39 and report immediately to the central abuse hotline.

Section 13. Section 984.11, Florida Statutes, is amended to read:

984.11 Services to families ~~in need of services.~~

(1) The department or its authorized agent shall provide an array of voluntary family services aimed at remediating school truancy, homelessness, and runaway and ungovernable behavior by children. Services ~~and treatment~~ to families in need of services shall be by voluntary agreement of the parent, ~~or~~ legal guardian, ~~or~~ custodian and the child ~~or as directed by a court order pursuant to s. 984.22.~~

(2) A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under



772728

court-ordered supervision by the department for delinquency under chapter 985 or court-ordered supervision by the Department of Children and Families under chapter 39. A child who has received a prearrest delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

(3) If there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the Department of Children and Families agrees to the provision of services and makes a referral. An interagency agreement between the department and the Department of Children and Families shall govern this referral process, which is contingent on available funding. The department must notify the Department of Children and Families if a referral is declined.

(4)~~(2)~~ These services may include, but need not be limited to:

- (a) ~~Homemaker or~~ Parent aide services.
- (b) Intensive crisis counseling.
- (c) Parent training.
- (d) Individual, group, or family counseling.
- (e) Referral to community mental health services.
- (f) Prevention and diversion services.
- (g) Services provided by voluntary or community agencies.
- (h) Runaway center services.
- (i) Runaway shelter ~~Housekeeper~~ services.
- (j) Referral for special educational, tutorial, or remedial services.
- (k) Referral to vocational, career development ~~job~~



772728

~~training~~, or employment services.

(l) Recreational services.

(m) Assessment.

(n) Case management.

(o) Referral for or provision of substance abuse assessment or treatment.

~~(5)(3) The department shall advise the parents, or legal guardian, or custodian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. The parent is responsible for using health care insurance to the extent it is available for the provision of health services The department shall set and charge fees for services and treatment provided to clients. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.~~

~~(4) The department may file a petition with the circuit court to enforce the collection of fees for services and treatment rendered to the child or the parent and other legal custodians.~~

Section 14. Section 984.12, Florida Statutes, is amended to read:

984.12 Case staffing; services and treatment related to a family in need of services.—

(1) The appropriate representative of the department shall



772728

request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services ~~or treatment~~ if:

(a) The family or child is not in agreement with the services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the department ~~of Juvenile Justice~~, and may include the department's authorized agent and a supervisor of the department's contracted provider; a representative from the area of health, mental health, substance abuse, or social, or educational services; a representative of the state attorney; a representative of law enforcement the alternative sanctions coordinator; and any person recommended by the child, family, or department. The child and the child's parent, legal guardian, or custodian must be invited to attend the committee meeting.

(3) The case staffing committee shall:

(a) Identify the family's concerns and contributing factors.

(b) Request the family and child to identify their needs and concerns.

(c) Seek input from the school district and any other



772728

persons in attendance with knowledge of the family or child's situation and concerns.

(d) Consider the voluntary family services or other community services that have been offered and the results of those services.

(e) Identify whether truancy is a concern and evaluate compliance with the remedial strategies provided pursuant to s. 1003.26.

(f) Reach a timely decision to provide the child or family with ~~needed~~ services and recommend any appropriate and treatment through the development of a plan for services.

(4) The plan for services shall contain the following:

(a) Statement of the concerns ~~problems~~.

(b) Needs of the child.

(c) Needs of the parents, legal guardian, or ~~legal~~ custodian.

(d) Measurable objectives that address the identified problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) The assigned case manager shall have responsibility A



772728

~~ease manager shall be designated by the case staffing committee to be responsible~~ for implementing the plan. The department's authorized agent ~~ease manager~~ shall periodically review the progress towards achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan; ~~or~~

(b) Recommend a child in need of services petition be filed by the department; or

(c) ~~(b)~~ Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, legal guardian, or ~~legal~~ custodian may convene a meeting of the case staffing committee, ~~and any other member of the committee may convene a meeting if the member finds that doing so is in the best interest of the family or child.~~ A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

(8) Any other member of the committee may convene a meeting if voluntary family services have been offered and the services have been rejected by the child or family, or the child has not made measurable progress toward achieving the service plan goals, and the member finds that doing so is in the best interest of the family or child.

(9) A case staffing committee meeting must be convened within 30 days after the date the case is referred by the court pursuant to s. 984.151.

(10) ~~(8)~~ Within 7 days after meeting, the case staffing



772728

committee shall provide the parent, legal guardian, or ~~legal~~ custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15. Section 984.13, Florida Statutes, is amended to read:

984.13 Taking a child into custody ~~a child alleged to be from a family in need of services or to be a child in need of services.~~

(1) A child may be taken into custody:

(a) By a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child has run away from his or her parents, legal guardian, or ~~other legal~~ custodian.

(b) By a designated school representative pursuant to s. 1003.26(3) or a law enforcement officer when the officer reasonably believes ~~has reasonable grounds to believe~~ that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent, or legal guardian, or custodian, for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, "school system site" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or



772728

expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer or designated school representative pursuant to s. 1003.26(3) shall deliver the child to the parent, ~~or~~ legal guardian, or custodian, to a location determined by the parent, legal ~~or~~ guardian, or custodian, or to a designated truancy interdiction site until the parent or guardian can be located.

(c) Pursuant to an order of the circuit court based upon sworn testimony ~~before or~~ after a child in need of services petition is filed under s. 984.15.

(d) Pursuant to an order of the circuit court based upon a finding of contempt under this chapter for the purpose of delivering the child to a designated shelter facility.

(e) ~~(d)~~ By a law enforcement officer when the child voluntarily agrees to or requests services pursuant to this chapter or placement in a shelter.

(2) The person taking the child into custody shall:

(a) Release the child to a parent, legal guardian, ~~legal~~ custodian, or responsible adult relative and make a full written report to the department's authorized agent for families in need of services within 3 days after release ~~or to a department-approved family in need of services and child in need of services provider~~ if the person taking the child into custody reasonably believes ~~has reasonable grounds to believe~~ the child has run away from a parent, legal guardian, or ~~legal~~ custodian; is truant; or is ungovernable and beyond the control of the parent, guardian, or legal custodian; ~~following such release, the person taking the child into custody shall make a full~~



772728

~~written report to the intake office of the department within 3 days; or~~

~~(b) Deliver the child to a shelter when: ~~the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is from a family in need of services.~~~~

1. The parent, legal guardian, or custodian is unavailable to take immediate custody of the child;

2. The child requested voluntary family services and shelter placement;

3. A court order under this chapter for shelter placement has been issued; or

4. The child and the parent, legal guardian, or custodian voluntarily agree the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.

(c) Deliver the child to a hospital for necessary evaluation and treatment if the child is reasonably believed to be suffering from a serious physical condition which requires either prompt diagnosis or treatment.

(d) Deliver the child to a designated public receiving facility as defined in s. 394.455 for examination under s. 394.463 if the child is reasonably believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1).

(e) Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child is reasonably believed to be intoxicated and has threatened, attempted, or



772728

inflicted physical harm on himself or herself or another, or is
incapacitated by substance abuse.

(3) If the child is taken into custody and ~~by, or is~~
delivered to a shelter, ~~the department~~, the department's
authorized agent ~~appropriate representative of the department~~
shall review the facts and make such further inquiry as
necessary to determine whether the child shall remain in
shelter, receive voluntary family services that would allow the
child alleged to be from a family in need of services to remain
at home, ~~eustody~~ or be released. ~~Unless shelter is required as~~
~~provided in s. 984.14(1), the department shall:~~

~~(a) Release the child to his or her parent, guardian, or~~
~~legal custodian, to a responsible adult relative, to a~~
~~responsible adult approved by the department, or to a~~
~~department-approved family-in-need-of-services and child-in-~~
~~need-of-services provider; or~~

~~(b) Authorize temporary services and treatment that would~~
~~allow the child alleged to be from a family in need of services~~
~~to remain at home.~~

Section 16. Section 984.14, Florida Statutes, is amended to
read:

984.14 Voluntary shelter services placement; hearing.—

(1) Temporary voluntary shelter services provided by the
department shall provide a safe environment with 24-hour care
and supervision, referrals for services as needed, and education
at the center or offsite and counseling services for children.
~~Unless ordered by the court pursuant to the provisions of this~~
~~chapter, or upon voluntary consent to placement by the child and~~
~~the child's parent, legal guardian, or custodian, a child taken~~



772728

~~into custody shall not be placed in a shelter prior to a court hearing unless a determination has been made that the provision of appropriate and available services will not eliminate the need for placement and that such placement is required:~~

~~(a) To provide an opportunity for the child and family to agree upon conditions for the child's return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; or~~

~~(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.~~

(2) If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine whether the child can safely return home, or determine whether the family is seeking temporary voluntary shelter services until they can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the Department of Children and Families shall be contacted to assume custody of the child ~~If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall immediately notify the parents or legal custodians that the child was taken into custody.~~



772728

~~(3) A child who is involuntarily placed in a shelter shall be given a shelter hearing within 24 hours after being taken into custody to determine whether shelter placement is required. The shelter petition filed with the court shall address each condition required to be determined in subsection (1).~~

~~(4) A child may not be held involuntarily in a shelter longer than 24 hours unless an order so directing is made by the court after a shelter hearing finding that placement in a shelter is necessary based on the criteria in subsection (1) and that the department has made reasonable efforts to prevent or eliminate the need for removal of the child from the home.~~

~~(5) Except as provided under s. 984.225, a child in need of services or a child from a family in need of services may not be placed in a shelter for longer than 35 days.~~

~~(6) When any child is placed in a shelter pursuant to court order following a shelter hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

~~(7) A child who is adjudicated a child in need of services or alleged to be from a family in need of services or a child in need of services may not be placed in a secure detention facility or jail or any other commitment program for delinquent~~



772728

~~children under any circumstances.~~

~~(8) The court may order the placement of a child in need of services into a staff-secure facility for no longer than 5 days for the purpose of evaluation and assessment.~~

Section 17. Section 984.15, Florida Statutes, is amended to read:

984.15 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney representing the department or by the child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child in need of services has been placed in a shelter pursuant to s. 984.14, the department shall file the petition immediately, including in the petition notice of arraignment pursuant to s. 984.20.~~

(2)(a) The department shall file a petition for a child in need of services if the child meets the definition of a child in need of services, and the case ~~manager or~~ staffing committee recommends requests that a petition be filed and:

1. The family and child have in good faith, but unsuccessfully, used the services and process described in ss. 984.11 and 984.12; or

2. The family or child have refused ~~all~~ services described in ss. 984.11 and 984.12 after reasonable efforts by the department to involve the family and child in voluntary family services and treatment.

(b) Once the requirements in paragraph (a) have been met, the department shall file a petition for a child in need of services as soon as practicable ~~within 45 days~~.



772728

(c) The petition shall be in writing, shall state the specific grounds ~~under s. 984.03(9)~~ by which the child is designated a child in need of services, and shall certify that the conditions prescribed in paragraph (a) have been met. The petition shall be signed by the petitioner under oath stating good faith in filing the petition and shall be signed by an attorney for the department.

(3)(a) The parent, legal guardian, or ~~legal~~ custodian may file a petition alleging that a child is a child in need of services if:

1. The department waives the requirement for a case staffing committee.

2. The department fails to convene a meeting of the case staffing committee within 7 days, excluding weekends and legal holidays, after receiving a written request for such a meeting from the child's parent, legal guardian, or ~~legal~~ custodian.

3. The parent, legal guardian, or ~~legal~~ custodian does not agree with the plan for services offered by the case staffing committee.

4. The department fails to provide a written report within 7 days after the case staffing committee meets, as required under s. 984.12(10) ~~s. 984.12(8)~~.

(b) The parent, legal guardian, or ~~legal~~ custodian must give the department prior written notice of intent to file the petition. If, at the arraignment hearing, the court finds that such written notice of intent to file the petition was not provided to the department, the court shall dismiss the petition, postpone the hearing until such written notice is given, or, if the department agrees, proceed with the



772728

arraignment hearing. The petition must be served on the department's office of general counsel.

(c) The petition must be in writing and must set forth specific facts alleging that the child is a child in need of services ~~as defined in s. 984.03(9)~~. The petition must also demonstrate that the parent, legal guardian, or ~~legal~~ custodian has in good faith, but unsuccessfully, participated in the services and processes described in ss. 984.11 and 984.12.

(4)~~(d)~~ The petition must be signed by the petitioner under oath.

(5)~~(e)~~ The court, on its own motion or the motion of any party or the department, shall determine the legal sufficiency of a petition filed under this subsection and may dismiss any petition that lacks sufficient grounds. In addition, the court shall verify that the child is not:

(a)~~1-~~ The subject of a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;

(b)~~2-~~ The subject of a pending petition ~~referral~~ alleging that the child is delinquent; or

(c)~~3-~~ Under the current supervision of the department or the Department of Children and Families for an adjudication or withholding of adjudication of delinquency or dependency.

(6)~~(4)~~ The form of the petition and any additional contents shall be determined by rules of procedure adopted by the Supreme Court.

(7)~~(5)~~ The petitioner ~~department or the parent, guardian, or legal custodian~~ may withdraw a petition at any time before ~~prior to~~ the child is ~~being~~ adjudicated a child in need of services.



772728

Section 18. Section 984.151, Florida Statutes, is amended to read:

984.151 Early truancy intervention; truancy petition; judgment ~~prosecution; disposition.~~—

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

(2) The petition shall be filed in the circuit in which the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special magistrate ~~master~~ pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, legal guardian, or ~~legal~~ custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school in compliance with s. 1003.26; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the



772728

student has missed school. The petition shall be sworn to by the superintendent or his or her designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent or guardian shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender and the court shall order the student to attend school and order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power under this subsection is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance. The court, and may order any of the following services:

(a) The student to participate in alternative sanctions to include mandatory attendance at alternative classes; to be followed by mandatory community services hours for a period up to 6 months; the student and

(b) The student's parent, legal or guardian, or custodian to participate in parenting classes homemaker or parent aide services;

(c) The student or the student's parent, legal or guardian or custodian to participate in individual, group, or family intensive crisis counseling;

(d) The student or the student's parent, legal or guardian or custodian to participate in community mental health services or substance abuse treatment services if available and



772728

applicable;

(e) The student and the student's parent, legal or guardian, or custodian to participate in services service provided by state or community voluntary or community agencies, if appropriate as available, including services for families in need of services as provided in s. 984.11;

(f) The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;

(g) The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or

(h) ~~and~~ The student or the student's parent, legal or guardian, or custodian to participate in vocational or, job training, or employment services.

(8) If the student does not substantially comply with compulsory school attendance and court-ordered services required under successfully complete the sanctions ordered in subsection (7), and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's authorized agent for review by the case staffing committee under s. 984.12 with a recommendation to file a petition for child in need of services child-in-need-of-services petition under s. 984.15. The court shall review the case not less than every 45 days to determine whether the child is in



772728

substantial compliance with compulsory education or if the case should be referred to the case staffing committee in accord with this subsection.

(9) If the student substantially complies with compulsory school attendance the court shall close the truancy case.

(10) If the child is adjudicated a child in need of services pursuant to s. 984.21, the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04.

(11) The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04.

(12) The court may not order a child placed in shelter pursuant to this section unless the court has found the child to be in contempt for violation of a court order under s. 984.09.

(13)(9) The parent, legal guardian, or ~~legal~~ custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

(14) Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09 two or more times shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a petition for a child in need of services.

(15) The clerk of court must serve any court order referring the case to voluntary family services or the case



772728

staffing committee to the department's office of general counsel
and to the department's authorized agent.

Section 19. Subsections (3) and (5) of section 984.16,
Florida Statutes, are amended, and subsection (11) is added to
that section, to read:

984.16 Process and service for child in need of services
petitions.—

(3) The summons shall require the person on whom it is
served to appear for a hearing at a time, and place, and manner
specified. ~~Except in cases of medical emergency, the time shall~~
~~not be less than 24 hours after service of the summons.~~ The
summons must ~~may~~ require the custodian to bring the child to
court ~~if the court determines that the child's presence is~~
~~necessary.~~ A copy of the petition shall be attached to the
summons.

(5) The jurisdiction of the court shall attach to the child
and the parent, legal guardian, or custodian, ~~or legal guardian~~
of the child and the case when the summons is served upon the
child or a parent, or legal guardian, or actual ~~actual~~ custodian of the
child; ~~or~~ when the child is taken into custody with or without
service of summons and after filing of a petition for a child in
need of services; or when a party personally appears before the
court whichever occurs first, and thereafter the court may
control the child and case in accordance with this chapter.

(11) If a court takes action that directly involves a
student's school, including, but not limited to, an order that a
student attend school, attend school with his or her parent,
requiring the parent to participate in meetings, including
parent-teacher conferences, Section 504 plan meetings or



772728

individualized education plan meetings to address the student's disability, the office of the clerk of the court shall provide notice to the school of the court's order.

Section 20. Section 984.17, Florida Statutes, is amended to read:

984.17 Response to petition and representation of parties.—

(1) At the time a child in need of services petition is filed, the court may appoint a guardian ad litem for the child.

(2) No answer to the petition or any other pleading need be filed by any child, parent, ~~or~~ legal guardian, or custodian, but any matters which might be set forth in an answer or other pleading may be pleaded orally before the court or filed in writing as any such person may choose. Notwithstanding the filing of an answer or any pleading, the child and ~~or~~ parent, legal guardian, or custodian shall, before ~~prior to~~ an adjudicatory hearing, be advised by the court of the right to counsel.

(3) When a petition for a child in need of services has been filed and the parents, legal guardian, or ~~legal~~ custodian of the child and the child have advised the department that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the attorney representing the department may set the case before the court for a disposition hearing. If there is a change in the plea at this hearing, the court shall continue the hearing to permit the attorney representing the department to prepare and present the case.

(4) An attorney representing the department shall represent the state in any proceeding in which the petition alleges that a child is a child in need of services ~~and in which a party denies~~



772728

~~the allegations of the petition and contests the adjudication.~~

Section 21. Section 984.18, Florida Statutes, is repealed.

Section 22. Section 984.19, Florida Statutes, is amended to read:

984.19 Medical screening and treatment of child; examination of parent, legal guardian, or person requesting custody.—

(1) When any child is to be placed in shelter care, the department or its authorized agent may ~~is authorized to~~ have a medical screening provided for ~~performed on~~ the child without authorization from the court and without consent from a parent, legal ~~or~~ guardian, or custodian. Such medical screening shall be provided ~~performed~~ by a licensed health care professional and shall be to screen ~~examine~~ the child for injury, illness, and communicable diseases. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When ~~the department has performed~~ the medical screening authorized by subsection (1) or when it is otherwise determined by a licensed health care professional that a child is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent, legal ~~or~~ guardian, or custodian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent, legal ~~or~~ guardian, or custodian of the child is unavailable and his or her whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized



772728

agent of the department or its provider has the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance is limited to the time reasonably necessary to obtain court authorization.

(c) If a parent, legal ~~or~~ guardian, or custodian of the child is available but refuses to consent to the necessary treatment, a court order is required, unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by the parent or guardian. In such case, the department's authorized agent may ~~department has the authority to~~ consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case may the department consent to sterilization, abortion, or termination of life support.

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Families or Agency for Persons with Disabilities. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s.



772728

394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53.

(4) A judge may order that a child alleged to be or adjudicated a child in need of services be treated by a licensed health care professional. The judge may also order such child to receive mental health or intellectual disability services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in s. 394.467 or chapter 393 shall be used, as applicable. A child may be provided services in emergency situations pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, as applicable.

(5) When there are indications of physical injury or illness, a licensed health care professional shall be immediately contacted ~~called~~ or the child shall be taken to the nearest available hospital for emergency care.

(6) Except as otherwise provided herein, ~~nothing in this section does not shall be deemed to~~ eliminate the right of a parent, legal a guardian, or custodian, or the child to consent to examination or treatment for the child.

(7) Except as otherwise provided herein, ~~nothing in this section does not shall be deemed to~~ alter the provisions of s. 743.064.



772728

(8) A court may order ~~shall not be precluded from ordering~~ services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9) ~~Nothing in~~ This section does not ~~shall be construed to~~ authorize the permanent sterilization of the child, unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10) For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this section, no child ~~alleged to be or found to be a child from a family in need of services or a child in need of services~~ shall be placed in a detention facility or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents, legal guardian, or custodian ~~guardian~~ of a child alleged to be or adjudicated a child in need of services remain financially responsible for the cost of medical treatment provided to the child even if one or both of the parents or if the legal guardian, or custodian did not consent to the medical treatment. After a hearing, the court may order the parents, legal ~~or~~ guardian, or custodian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) A judge may order a child under its jurisdiction to submit to substance abuse evaluation, testing, and treatment in



772728

1635 accordance with s. 397.706 ~~Nothing in this section alters the~~
1636 ~~authority of the department to consent to medical treatment for~~
1637 ~~a child who has been committed to the department pursuant to s.~~
1638 ~~984.22(3) and of whom the department has become the legal~~
1639 ~~eustodian.~~

1640 (13) At any time after the filing of a petition for a child
1641 in need of services, when the mental or physical condition,
1642 including the blood group, of a parent, guardian, or other
1643 person requesting custody of a child is in controversy, the
1644 court may order the person to submit to a physical or mental
1645 examination by a qualified professional. The order may be made
1646 only upon good cause shown and pursuant to notice and procedures
1647 as set forth by the Florida Rules of Juvenile Procedure.

1648 Section 23. Section 984.20, Florida Statutes, is amended to
1649 read:

1650 984.20 Hearings for child in need of services ~~child in~~
1651 ~~need of services~~ cases.—

1652 (1) ARRAIGNMENT HEARING.—

1653 (a) The clerk shall set a date for an arraignment hearing
1654 within a reasonable time after the date of the filing of the
1655 child in need of services petition. The court shall advise the
1656 child and the parent, legal guardian, or custodian of the right
1657 to counsel as provided in s. 984.07. ~~When a child has been taken~~
1658 ~~into custody by order of the court, an arraignment hearing shall~~
1659 ~~be held within 7 days after the date the child is taken into~~
1660 ~~custody.~~ The hearing shall be held for the child and the parent,
1661 legal guardian, or custodian to admit, deny, or consent to
1662 findings that a child is in need of services as alleged in the
1663 petition. If the child and the parent, legal guardian, or



772728

custodian admit or consent to the findings in the petition, the court shall adjudicate the child a child in need of services and proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, legal guardian, or custodian denies any of the allegations of the petition, the court shall hold an adjudicatory hearing within a reasonable time after the date of the arraignment hearing ~~7 days after the date of the arraignment hearing.~~

(b) The court may grant a continuance of the arraignment hearing ~~When a child is in the custody of the parent, guardian, or custodian, upon the filing of a petition, the clerk shall set a date for an arraignment hearing within a reasonable time from the date of the filing of the petition.~~ if the child or ~~and~~ the parent, legal guardian, or custodian request a continuance to obtain an attorney. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation ~~admit or consent to an adjudication, the court shall proceed as set forth in the Florida Rules of Juvenile Procedure. However, if either the child or the parent, guardian, or custodian denies any of the allegations of child in need of services, the court shall hold an adjudicatory hearing within a reasonable time from the date of the arraignment hearing.~~

(c) If at the arraignment hearing the child and the parent, legal guardian, or custodian consents or admits to the allegations in the petition and the court determines that the petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(c)~~, the court shall proceed to hold a disposition hearing at the earliest practicable time that will allow for the completion of a predisposition study.



772728

(d) Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the adjudication of the child as a child in need of services. The document containing the notice to respond or appear must contain, in type as large as the balance of the document, the following or substantially similar language:

FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING
CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD
AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE
COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE
CHILD INTO SHELTER.

If a person appears for the arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and, if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to adjudication of the child as a child in need of services.

(2) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing shall be held as soon as practicable after the petition for a child in need of services is filed and in accordance with the Florida Rules of Juvenile Procedure, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall, whenever practicable, be granted. ~~If the child is in~~



772728

~~eustody, the adjudicatory hearing shall be held within 14 days after the date the child was taken into custody.~~

(b) Adjudicatory hearings shall be conducted by the judge without a jury, applying the rules of evidence in use in civil cases and adjourning the hearings from time to time as necessary. In an adjudicatory a hearing ~~on a petition in which it is alleged that the child is a child in need of services~~, a preponderance of evidence shall be required to establish that the child is in need of services. If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

(c) All hearings, except as hereinafter provided, shall be open to the public, and no person shall be excluded therefrom except on special order of the judge who, in his or her discretion, may close any hearing to the public when the public interest or the welfare of the child, in his or her opinion, is best served by so doing. Hearings involving more than one child may be held simultaneously when the several children involved are related to each other or were involved in the same case. The child and the parent, legal guardian, or custodian of the child may be examined separately and apart from each other.

(3) DISPOSITION HEARING.—

(a) At the disposition hearing, ~~if the court finds that the facts alleged in the petition of a child in need of services were proven in the adjudicatory hearing~~, the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider.



772728

~~(a)~~ The predisposition study shall cover:

1. All treatment and services that the parent, legal guardian, or custodian and child received.

2. The love, affection, and other emotional ties existing between the family ~~parents~~ and the child.

3. The capacity and disposition of the parents, legal guardian, or custodian to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

4. The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

5. The permanence, as a family unit, of the existing or proposed custodial home.

6. The moral fitness of the parents, legal guardian, or custodian.

7. The mental and physical health of the family.

8. The home, school, and community record of the child.

9. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

10. Any other factor considered by the court to be relevant.

(b) The predisposition study also shall provide the court with documentation regarding:

1. The availability of appropriate prevention, services, and treatment for the parent, legal guardian, custodian, and child to prevent the removal of the child from the home or to



772728

reunify the child with the parent, legal guardian, or custodian after removal or to reconcile the problems between the family ~~parent, guardian, or custodian~~ and the child.

2. The inappropriateness of other prevention, treatment, and services that were available.

3. The efforts by the department to prevent shelter ~~out-of-home~~ placement of the child or, when applicable, to reunify the parent, legal guardian, or custodian if appropriate services were available.

4. Whether voluntary family ~~the~~ services were provided.

5. If the voluntary family services and treatment were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.

6. If the voluntary family services and treatment were not provided, the reasons for such lack of provision.

7. The need for, or appropriateness of, continuing such treatment and services if the child remains in the custody of the parent, legal guardian, or custodian or if the child is placed outside the home.

(c) If placement of the child with anyone other than the child's parent, guardian, or custodian is being considered, the study shall include the designation of a specific length of time as to when custody by the parent, guardian, or custodian shall be reconsidered.

(d) A copy of this predisposition study shall be furnished to the person having custody of the child at the time such person is notified of the disposition hearing.

(e) After review of the predisposition study and other



772728

relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), ~~nothing in~~ this section does not shall prohibit the publication of proceedings in a hearing.

(4) REVIEW HEARINGS.—

(a) The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work toward compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings ~~but no less than 45 days after the date of the last review hearing.~~

(b) The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The department must appear at the review hearing. If the parent, legal guardian, or custodian does not appear at a review hearing, or if the court finds good cause to waive the child's presence, the court may proceed with the hearing and enter orders that affect the child and family accordingly.



772728

(c)~~(b)~~ At the review hearings, the court shall consider the department's judicial review summary. The court shall close the case if the child has substantially complied with the case plans and court orders and no longer requires continued court supervision, subject to the case being reopened. Upon request of the petitioner, the court may close the case and relinquish jurisdiction. If the child has significantly failed to comply with the case plan or court orders, the child shall continue to be a child in need of services and reviewed by the court as needed. At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including, but not limited to, ordering the child placed in shelter,~~but no less than 45 days after the date of the last review hearing.~~

Section 24. Section 984.21, Florida Statutes, is amended to read:

984.21 Orders of adjudication.—

(2)~~(1)~~ If the court finds that the child named in a petition is not a child in need of services, it shall enter an order so finding and dismiss ~~dismissing~~ the case.

~~(2) If the court finds that the child named in the petition is a child in need of services, but finds that no action other than supervision in the home is required, it may enter an order briefly stating the facts upon which its finding is based, but withholding an order of adjudication and placing the child and family under the supervision of the department. If the court later finds that the parent, guardian, or custodian of the child have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance,~~



772728

~~but without further evidence of the state of the child in need of services, enter an order of adjudication and shall thereafter have full authority under this chapter to provide for the child as adjudicated.~~

(3) If the court finds by a preponderance of evidence that the child named in a petition is a child in need of services, ~~but elects not to proceed under subsection (2),~~ it shall incorporate that finding in an order of adjudication entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to provide for the child as adjudicated.

~~(1)(4)~~ An order of adjudication by a court that a child is a child in need of services is a civil adjudication, and is ~~services shall~~ not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a delinquent or criminal by reason of ~~that~~ adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualify or prejudice the child in any civil service application or appointment.

Section 25. Section 984.22, Florida Statutes, is amended to read:

984.22 Powers of disposition.—

(1) If the court finds that services and treatment have not been provided or used ~~utilized~~ by a child or family, the court having jurisdiction of the child in need of services shall have the power to direct the least intrusive and least restrictive disposition, as follows:

(a) Order the parent, legal guardian, or custodian and the



772728

child to participate in treatment, services, and any other alternative identified as necessary.

(b) Order the parent, legal guardian, or custodian to pay a fine or fee based on the recommendations of the department.

(2) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child and parent, legal guardian, or custodian shall have the power, by order, to:

(a) Place the child under the supervision of the department's authorized agent ~~contracted~~ provider of programs and services for children in need of services and families in need of services. The term "supervision," for the purposes of this section, means services as defined by the contract between the department and the provider.

(b) Place the child in the temporary legal custody of an adult willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child and to provide services without compensation from the department.

(d) Order the child, and, if the court finds it appropriate, the parent, legal guardian, or custodian of the child, to render community service in a public service program.

(e) Order the child placed in shelter pursuant to s. 984.225 or s. 984.226.

(3) When any child is adjudicated by the court to be a child in need of services and temporary legal custody of the child has been placed with an adult willing to care for the child, or a licensed child-caring agency, ~~the Department of Juvenile Justice, or the Department of Children and Families,~~



772728

the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay child support to the adult relative caring for the child, the licensed child-caring agency, the department ~~of Juvenile Justice~~, or the Department of Children and Families. When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. If the court determines that the parent is unable to pay support, placement of the child shall not be contingent upon issuance of a support order. The department may employ a collection agency to receive, collect, and manage ~~for the purpose of receiving, collecting, and managing~~ the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

~~(4) All payments of fees made to the department under this chapter, or child support payments made to the department pursuant to subsection (3), shall be deposited in the General Revenue Fund.~~

~~(4)(5)~~ In carrying out the provisions of this chapter, the court shall order the child, family, parent, legal guardian, or custodian of a child who is found to be a child in need of services to participate in family counseling and other



772728

professional counseling activities or other alternatives deemed necessary to address the needs ~~for the rehabilitation~~ of the child and family.

~~(5)(6)~~ The participation and cooperation of the family, parent, legal guardian, or custodian, and the child with court-ordered services, treatment, or community service are mandatory, not merely voluntary. The court may use its contempt powers to enforce its orders ~~order~~.

Section 26. Section 984.225, Florida Statutes, is amended to read:

984.225 Powers of disposition; placement in a ~~staff-secure~~ shelter.—

(1) ~~Subject to specific legislative appropriation,~~ The court may order that a child adjudicated as a child in need of services be placed in shelter to enforce the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the child shall receive education commensurate with his or her grade level and educational ability. The department, or the department's authorized agent, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized agent verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed. ~~for up to 90 days in a staff-secure shelter if:~~

(2) The court shall order the parent, legal guardian, or custodian to cooperate with reunification efforts and



772728

participate in counseling. If a parent, legal guardian, or
custodian prefers to arrange counseling or other services with a
private provider in lieu of using services provided by the
department, the family shall pay all costs associated with those
services.

(3) Placement of a child under this section is designed to
provide residential care on a temporary basis. Such placement
does not abrogate the legal responsibilities of the parent,
legal guardian, or custodian with respect to the child, except
to the extent that those responsibilities are temporarily
altered by court order.

(a) The court may order any child adjudicated a child in
need of services to be placed in shelter for up to 35 days.

(b) After other alternative, less restrictive, remedies
have been exhausted, the child may be placed in shelter for up
to 90 days if:

1. ~~(a)~~ The child's parent, legal guardian, or legal
custodian refuses to provide food, clothing, shelter, and
necessary parental support for the child and the refusal is a
direct result of an established pattern of significant
disruptive behavior of the child in the home of the parent,
legal guardian, or legal custodian;

2. ~~(b)~~ The child refuses to remain under the reasonable care
and custody of the ~~his or her~~ parent, legal guardian, or legal
custodian, as evidenced by repeatedly running away and failing
to comply with a court order; or

3. ~~(c)~~ The child has failed to successfully complete an
alternative treatment program or to comply with a court-ordered
services ~~sanction~~ and the child has been placed in a shelter



772728

~~residential program~~ on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services ~~under this chapter.~~

(4) The court shall review the child's 90-day shelter placement within 45 days after the child's placement and determine whether continued shelter is deemed necessary. The court shall also determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program, and is following the recommendations of the program to work toward reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the Department of Children and Families.

~~(2) This section applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.~~

~~(3) The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs~~



772728

~~associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Commitment of a child under this section is designed to provide residential care on a temporary basis. Such commitment does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.~~

~~(4) While a child is in a staff-secure shelter, the child shall receive education commensurate with his or her grade level and educational ability.~~

(5) If a child has not been reunited with his or her parent, legal guardian, or ~~legal~~ custodian at the expiration of the 90-day commitment period, the court may order that the child remain in the ~~staff-secure~~ shelter for an additional 30 days if the court finds that reunification could be achieved within that period.

~~(6)~~ The department is deemed to have exhausted the reasonable remedies offered under this chapter if, at the end of the 90-day shelter ~~commitment~~ period, the parent, legal guardian, or ~~legal~~ custodian continues to refuse to allow the child to remain at home or creates unreasonable conditions for the child's return. If, at the end of the 90-day shelter ~~commitment~~ period, the child is not reunited with his or her parent, legal guardian, or custodian due solely to the continued refusal of the parent, legal guardian, or custodian to provide food, clothing, shelter, and parental support, the child is considered to be threatened with harm as a result of such acts or omissions, and the court shall direct that the child be



772728

handled in every respect as a dependent child. Jurisdiction shall be transferred to the custody of the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39. The department shall coordinate with the Department of Children and Families as provided in s. 984.086. The clerk of court shall serve the Department of Children and Families with any court order of referral.

~~(7) The court shall review the child's commitment once every 45 days as provided in s. 984.20. The court shall determine whether the parent, guardian, or custodian has reasonably participated in and financially contributed to the child's counseling and treatment program. The court shall also determine whether the department's efforts to reunite the family have been reasonable. If the court finds an inadequate level of support or participation by the parent, guardian, or custodian prior to the end of the commitment period, the court shall direct that the child be handled in every respect as a dependent child. Jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed under the relevant provisions of chapter 39.~~

(6)(8) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child transferred to the custody of the Agency for Persons with Disabilities or to the Department of Children and Families for the provision of necessary services. The clerk of court shall serve the Agency for Persons with Disabilities or the Department of Children and Families with any court order of referral.



772728

Section 27. Section 984.226, Florida Statutes, is amended to read:

984.226 Physically secure shelter ~~setting~~.—

(1) Subject to specific legislative appropriation, the department ~~of Juvenile Justice~~ shall establish or contract for physically secure shelters ~~settings designated exclusively~~ for the placement of children in need of services who meet the criteria provided in this section.

~~(2) When a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.033. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.~~

~~(2)(3)~~ (2) When a child is adjudicated as a child in need of services by a court and all other less restrictive placements have been exhausted, the court may order the child to be placed in a physically secure shelter ~~setting authorized in this section~~ if the child has:

(a) Failed to appear for placement in a ~~staff-secure~~ shelter for up to 90 days as ordered under s. 984.225, or failed to comply with any other provision of a valid court order



772728

relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b) Run away from a 90-day ~~staff-secure~~ shelter following placement under s. 984.225 ~~or s. 984.09~~.

The department or an authorized agent ~~representative~~ of the department must verify to the court that a bed is available for the child in a physically secure shelter. If a bed is not available in a physically secure shelter, the court must stay the placement until such a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure shelter. Physically secure shelter placement may only be used when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements ~~setting~~.

(3) ~~(4)~~ A child may be placed in a physically secure shelter ~~setting~~ for up to 90 days by order of the court. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure shelter ~~setting~~, the court may order that the child remain in the physically secure shelter ~~setting~~ for an additional 30 days if the court finds that reunification could be achieved within that period.

(4) ~~(5)~~ (a) The court shall review the child's placement once within every 45 days to determine whether the child can be returned home with the provision of ongoing services ~~as provided in s. 984.20~~.



772728

(b) At any time during the placement of a child in need of services in a physically secure shelter ~~setting~~, the department or an authorized agent ~~representative~~ of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure shelter ~~setting~~ and is ready for reunification with a parent or guardian; or

2. That the child is unlikely to benefit from continued placement in the physically secure shelter ~~setting~~ and is more likely to have his or her needs met in a different type of placement. The court may order that the child be transitioned from a physically secure shelter to a shelter placement as provided in s. 984.225 upon a finding that the physically secure shelter is no longer necessary for the child's safety and to provide needed services.

(c) The court shall determine if the parent, legal guardian, or custodian has reasonably participated in and has ~~financially~~ contributed to or participated in the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the placement, the court shall direct a staffing to take place with the Department of Children and Families ~~that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Families, and the child's care shall be governed by chapter 39.~~

(e) If the child requires long-term residential mental health treatment or residential care for a developmental disability, the court shall refer the child



772728

2186

2187 ===== T I T L E A M E N D M E N T =====

2188 And the title is amended as follows:

2189 Delete lines 102 - 117

2190 and insert:

2191 placements; requiring a court to direct a staffing to
2192 take place with the Department of Children and
2193 Families under certain circumstances; authorizing
2194 transfer to the custody of the Agency for Persons with
2195 Disabilities in certain circumstances; amending s.
2196 984.226, F.S.; authorizing contracting for physically
2197 secure shelters; deleting provisions on representation
2198 in certain proceedings; requiring exhaustion of less
2199 restrictive placements before a child may be placed in
2200 a physically secure shelter; providing a time limit on
2201 secure shelter orders; providing legislative intent;
2202 revising provisions concerning review of secure
2203 shelter placements; providing for transfer to shelter
2204 placements in certain circumstances; requiring a court
2205 to direct a staffing to take place with the department
2206 under certain circumstances; providing for the

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1344

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee and Senator Simon

SUBJECT: Juvenile Justice

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1344 amends numerous sections of ch. 984, F.S., concerning ungovernable, runaway and truant youth and prevention services. The bill clarifies the process for voluntary and court-ordered intervention services and aligns the language with current practices within the Department of Juvenile Justice (DJJ).

The bill renames ch. 984, F.S., the Children and Families in Need of Services; Prevention and Intervention for School Truancy and Ungovernable and Runaway Children. The bill provides that the purposes for this chapter are judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm. Additionally, it is the purpose of this chapter to provide a court process for the limited purpose of early truancy intervention. Legislative intent is further revised to ensure that the child and family receive appropriate services and have access to representation by a trained advocate during court proceedings. The bill provides when a family is eligible for voluntary services, what services may be included, and the role of a case staffing committee and child study teams.

The bill provides that the circuit court has exclusive jurisdiction over judicial proceedings involving early truancy intervention, the court processes, and guidelines for the relinquishment of such jurisdiction. A child must be represented by counsel if a petition is filed alleging that he

or she is in need of services, or if he or she is subject to contempt proceedings. Guidelines for appointing counsel for an indigent child, waiving counsel, or enforcing the nonindigent parents or legal guardian of an indigent child to employ counsel are provided.

Additionally, the use of detention care or a secure detention facility intended for juvenile delinquents, or the use of a jail or similar facility is prohibited for a child under the jurisdiction of the court solely under ch. 984, F.S. A child who is held in direct or indirect contempt must be placed in shelter, and the bill provides guidance on the release of a child who has been taken into custody. The bill provides that a child taken into custody may be delivered to a hospital or public receiving facility when the child is suffering from a serious physical condition, mental illness crisis, or intoxication that threatens the safety of the child or others.

The bill may have an indeterminate workload impact on state and local governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Status Offenders

A status offense is a noncriminal act that is considered a violation of the law solely due to a youth's status as a minor. Offenses typically include truancy, running away from home, violating curfew, underage use of alcohol, and ungovernability.¹ Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary intervention services, through court order. Voluntary family services to families in need must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order.²

Family in Need of Services

The term "family in need of services" means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the DJJ or the Department of Children and Families (DCF) due to an adjudication of dependency or delinquency.³

¹ *Status Offender Literature Review*, Office of Juvenile Justice and Delinquency Prevention, available at https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status_offenders.pdf (last visited March 21, 2025).

² *A Guide for Parents in Need*, Florida Network of youth and family services, available at https://floridanetwork.org/wp-content/uploads/2024/12/FN_Brochure_ENG_WITH-UPDATES_12.2.2023.pdf (last visited March 21, 2025).

³ Section 984.03(25), F.S.

Child in Need of Services

The term “child in need of services” means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the DJJ or the DCF for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

- To have persistently run away from the child’s parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child’s parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁴
- To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and through voluntary participation by the child’s parents or legal custodians and by the child in family mediation, services, and treatment offered by the DJJ or the DCF;⁵ or
- To have persistently disobeyed the reasonable and lawful demands of the child’s parents or legal custodians, and to be beyond their control despite efforts by the child’s parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.⁶

Custody

A child may be taken into custody by a law enforcement officer who reasonably believes that:

- The child has run away from his or her parent, guardian, or other legal custodian; and,
- The child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child without unreasonable delay to the appropriate school system site.⁷

A child may also be taken into custody pursuant to a circuit court order or when the child voluntarily agrees to or requests services or placement in a shelter.

Shelter Placement

A child may be placed in a secure facility as punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has failed to comply with an alternative sanction. A delinquent child who has been held in contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility. Similarly, a child in need of services may be placed in a staff-secure shelter or staff-secure residential facility solely for children in need of services if placement is available. If placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.⁸

⁴ Section 984.03(9)(a), F.S.

⁵ Section 984.03(9)(b), F.S.

⁶ Section 984.03(9)(c), F.S.

⁷ Section 984.13, F.S.

⁸ Section 984.09, F.S.

Truancy

Children 6 to 16 years of age are required to regularly attend school. A delinquent child that attains the age of 16 is no longer subject to compulsory school attendance if the child files a formal declaration of intent to terminate school enrollment with the district school board.

A student who is subject to compulsory school attendance and has 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period the child is referred to the child study team to determine if early patterns of truancy are developing and intervene.⁹

When a designated school representative finds a truant student, the representative must “return the student to the parent, to the principal or teacher in charge of the school, to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school.”¹⁰

If a school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.¹¹

The petition must be filed in the circuit court in which the student is enrolled in school¹² and, once filed, must be heard by the court within 30 days.¹³ The student and the student’s parent or guardian must attend the hearing.¹⁴

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:

- The student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months;
- The student and the student’s parent or guardian to participate in homemaker or parent aide services;
- The student or the student’s parent or guardian to participate in intensive crisis counseling;
- The student or the student’s parent or guardian to participate in community mental health services if available and applicable;

⁹ Florida Department of Education, *Attendance & Enrollment Frequently Asked Questions*, available at <https://www.fldoe.org/how-do-i/attendance-enrollment.shtml> (last visited on March 22, 2025).

¹⁰ Section 1003.26(3), F.S.

¹¹ Section 984.151, F.S.

¹² Section 984.151(2), F.S.

¹³ Section 984.151(5), F.S.

¹⁴ Section 984.151(6), F.S.

- The student and the student’s parent or guardian to participate in service provided by voluntary or community agencies as available; and,
- The student or the student’s parent or guardian to participate in vocational, job training, or employment services.¹⁵

Detention Intake

When a child is taken into custody by law enforcement under ch. 985, F.S., the DJJ must conduct a risk assessment to determine if the child should be placed in detention care. If the final score of the risk assessment indicates that detention care is not appropriate, the child may be released. If the final score indicates that detention care is appropriate, but the DJJ otherwise determines the child should be released, the DJJ must contact the state attorney who may authorize release.¹⁶

“Intake” means the initial acceptance and screening by the DJJ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

- The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate;¹⁷
- The referral of the child to another public or private agency when appropriate¹⁸; and,
- The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.¹⁹

Canadian Prescription Drug Importation Program

In 2019, the Canadian Prescription Drug Importation Program was established within the Agency for Healthcare Administration to supply the state with quality prescription drugs at a lower cost than what may be available in the US market.²⁰

Eligible importers include pharmacists or wholesalers employed by or under contract with:

- AHCA’s central pharmacy, for distribution to county health departments or free clinics;
- A Medicaid pharmacy for dispensing to the pharmacy’s Medicaid recipients;
- The Department of Corrections for dispensing to inmates in the custody of the department;
- A developmental disability center for dispensing to clients treated in the center;
- A treatment facility under s. 394.455, F.S., for dispensing to patients treated in the center, and,
- A forensic facility managed by the Agency for Persons with Disabilities for dispensing to clients in the facility.

¹⁵ Section 984.151(7), F.S.

¹⁶ Section 985.25(1), F.S.

¹⁷ Section 984.03(28)(a), F.S.

¹⁸ Section 984.03(28)(b), F.S.

¹⁹ Section 984.03(28)(c), F.S.

²⁰ Section 381.02035, F.S.

III. Effect of Proposed Changes:

The bill makes several changes to ch. 984, F.S., concerning ungovernable, runaway, and truant youth and prevention services. This bill clarifies the process for voluntary and court ordered intervention services, and aligns the language with current practices within the DJJ.

Section 1

The bill renames ch. 984, F.S., to “Children and Families in Need of Services; Prevention and intervention for School Truancy and Ungovernable and Runaway Children.”

Section 2 – Purposes and intent

The bill amends s. 984.01, F.S., to provide judicial, nonjudicial, and other procedures to address the status offenses of children who are truant from school, run away from their caregivers, or exhibit ungovernable behavior by refusing to follow the household rules of their caregivers and engage in behavior that places the child at risk of harm, and to ensure due process through which children and other interested parties are assured fair hearings by a respectful and respected court and the recognition, protection, and enforcement of their constitutional and other legal rights.

Section 3 – Legislative intent for prevention and intervention

The bill amends s. 984.02, F.S., to revise the legislative intent for prevention and intervention to provide the children of this State with the following protections:

- Effective services or treatment to address physical, social, and emotional needs;
- Equal opportunity and access to quality and effective education which will meet the individual needs of each child and prepare the child for future employment, and to recreation and other community resources to develop individual abilities;
- Access to preventative services to provide the child and family the support of community resources to address the needs of the child and reduce the risk of harm or engaging in delinquent behavior;
- Court intervention only when necessary to address at-risk behavior before the behavior escalates into harm to the child or to the community through delinquent behavior;
- Access to representation by a trained advocate when court proceedings are initiated; and
- Supervision and services by skilled staff when temporary out of home placement is necessary.

Services to families shall be provided on a continuum of increasing intensity and participation by the parent, legal guardian or custodian, and child.

The bill permits the DJJ to develop and implement effective early prevention programs to address truancy and ungovernable and runaway behavior of a child, which place the child at risk of harm, and to allow for intervention before the child engages in a delinquent act.

Parents, custodians, and guardians are deemed by the state to be responsible for ensuring their children attend school and engage in education to prepare their children for their future.

The bill provides that it is the state's responsibility to make appropriate recommendations to address impediments of caretakers to fulfill their responsibilities through the provision of nonjudicial voluntary family services for families in need of services and through the child in need of services.

Section 4 – Definitions of terms used in Ch. 984, F.S.

The bill amends s. 984.03, F.S., to add, clarify, and remove definitions of the following terms as used in ch. 984, F.S.

- “Abandoned” or “abandonment” to have the same meaning as in s. 39.01(1), F.S.²¹
- “Abuse” to have the same meaning as in s. 39.01(2), F.S.²²
- “Adjudicatory hearing” to mean a hearing for the court to determine whether or not the facts support the allegations stated in the petition as provided for under s. 984.20(2), F.S., in child in need of services cases.
- “Authorized agent” or “designee” of the department to mean a person or agency assigned or designated by the DJJ to perform duties or exercise powers pursuant to this chapter and includes contract providers and subcontracted providers and their employees for purposes of providing voluntary family services, and providing court-ordered services and managing cases of children in need of services.
- “Child” or “juvenile” or “youth” to mean any unmarried person under the age of 18 who has not been emancipated by order of the court.
- “Child in need of services” to mean a child for whom there is no pending petition filed with the court alleging the child is delinquent under ch. 985, F.S., or court-ordered supervision by the DCF under ch. 39, F.S. The child must also, pursuant to this chapter, be found by the court:
 - To have persistently run away from the child's parents or legal guardians, or custodians despite reasonable efforts of the parents, legal guardians, or custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include participation by the child's parents, or legal guardian or custodians and the child in voluntary services, and treatment offered by the department or through its designated service provider.
 - To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 and 1003.27, F.S., and services offered by the department or its authorized agent or designated service provider; or

²¹ Section 39.01, F.S., defines “Abandoned” or “abandonment” to mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

²² Section 39.01(2), F.S., defines “Abuse” to mean any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

- To be ungovernable by having persistently disobeyed the reasonable and lawful rules and demands of the child's parents, legal guardians, or custodians, and to be beyond their control despite the child having the mental and physical capacity to understand and obey lawful rules and demands, and despite efforts by the child's parents, legal guardians, or custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in voluntary family services or individual services.
- "Custodian" to mean any adult person exercising actual physical custody of the child and who is providing food, clothing, and care for the child in the absence of a parent or legal guardian.
- "Disposition hearing" to mean a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 984.20(3), F.S., in child in need of services cases.
- "Early truancy intervention" means action taken by a school or school district pursuant to s. 1003.26, F.S., to identify a pattern of nonattendance by a student subject to compulsory school attendance at the earliest opportunity to address the reasons for the student's nonattendance, and includes services provided by the school or school district, or the department or its authorized agent pursuant to s. 984.11, F.S., and may include judicial action pursuant to s. 984.151, F.S., or s. 1003.27, F.S.
- "Family" to mean a collective body of persons, consisting of a child and a parent, legal guardian, adult custodian, or adult relative, in which:
 - The persons reside in the same house or living unit; or
 - The parent, legal guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.
- "Family in need of services" to mean a family that has a child who is running away; who is ungovernable an persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the DJJ, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the DCF for delinquency under ch. 985, F.S., or under court-ordered supervision by the DCF under ch. 39, F.S.
- "Intake" to mean the initial acceptance and screening by the DJJ or its designated service provider of a referral from early truancy intervention court, a school board, or school requesting services; a request for assistance from a parent or child; or a compliant, law enforcement report, or probable cause affidavit of a child's truancy, ungovernable behavior, or running away, on behalf of a family to determine the most appropriate course of action in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:
 - The disposition of the request for services, complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.
 - The referral of the child to another public or private agency when appropriate.
 - the recommendation by the assigned intake case manager of judicial handling when appropriate and warranted.

- “Habitual truant” has the same meaning as in s. 1003.01(12), F.S.²³
- “Licenses child-caring agency” means an agency licensed by the DCF pursuant to s. 409.175, F.S.²⁴
- “Needs assessment” to mean the gathering of information for the evaluation of a child’s physical, psychological, educational, vocational, and social condition and family environment related to the child’s need for services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, individual and family counseling, educational services, and other specialized services, as appropriate.
- “Neglect” has the same meaning as in s. 39.01(53), F.S.²⁵
- “Party” to mean the parent, legal guardian, or actual custodian of the child, the petitioner, the department, the guardian ad litem when one has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest, or the child has failed to appear for a proceeding after having been noticed.
- “Physically secure shelter” means a department-approved locked facility or locked unit within a facility for the care of a child adjudicated a child in need of services who is court ordered to be held pursuant to s. 984.226, F.S. A physically secure shelter unit shall provide 24-hour, continuous supervision. A physically secure shelter must be licensed by the DCF as a licensed child-caring agency.
- “Preventive services” to mean social services and other supportive and evaluation and intervention services provided to the child or the parent, legal guardian or custodian of the child for purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child under dependency supervision or into the delinquency system. Social services and other supportive services may include the provision of assessment and screening services; individual group, or

²³ “Habitual truant” means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student’s parent, is subject to compulsory school attendance under s. 1003.211003.21(1) and (2)(a), F.S., and is not exempt under s. 1003.21(3) or s. 1003.24, F.S., or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), F.S., without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of ch. 984, F.S.

²⁴ Section 409.175(2)(d), F.S., “Child-placing agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to ch. 63, F.S., that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.

²⁵ “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Neglect of a child includes acts or omissions.

family counseling; specialized educational and vocational services; temporary voluntary shelter for the child; outreach services for children living on the street.

- “Reunification services” to mean social services and other supportive services provided to the child and the parent of the child, legal guardian of the child, or the custodian of the child, whichever is applicable, for the purpose of assisting a child who has been placed in temporary shelter care to return to his or her family at the most appropriate and effective time based on the presenting concerns at intake. Social services and other supportive services shall be consistent with the child’s need for a safe, continuous, and stable living environment and shall promote the strengthening of family life whenever possible.
- “Secure detention center or facility” to mean a physically restricting facility for the temporary care of children, pending adjudication of delinquency or disposition. A child subject to proceedings under this chapter or who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent act or violation of law, may not under any circumstances, be placed into a secure detention center or facility.
- “Shelter” to mean a department-approved shelter facility for the temporary care of runaway children placed for voluntary shelter respite upon request of the child or the child’s parent, legal guardian, or custodian or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09, F.S. Shelters must provide 24-hour continual supervision. A shelter must be licensed by the DCF as a licensed child-caring agency.
- “Truancy petition” to mean a petition filed by the superintendent of schools under s. 984.151, F.S., for the purpose of early truancy intervention, alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period.
- “Truant status offender” to mean a child subject to the jurisdiction of the court under s. 957.151, F.S., who has been found by the court to be truant while subject to compulsory education. The court’s jurisdiction is limited to entering orders to require the child to attend school and participate in services to encourage regular school attendance. A truant status offender is not a delinquent child and may not be deemed to have committed a criminal or delinquent act.
- “Voluntary family services” to mean voluntary services provided by the department or an agency designated by the department or an agency designated by the department to a family that has a child who is running away; who is ungovernable by persistently disobeying reasonable and lawful demands of the parent, legal guardian, or custodian and is beyond the control of the parent, legal guardian, or custodian or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, abandonment, or entering the juvenile justice system. The child must be referred to the DJJ or an agency designated by the department to provide voluntary services to families and children.

Section 5 - Early Truancy intervention; families in need of services and children in need of services

The bill amends s. 984.04, F.S., to provide that the DJJ shall be responsible for all nonjudicial proceedings involving family services for a family identified as a family in need of services. The circuit court shall have exclusive original jurisdiction of judicial proceedings involving early

truancy intervention. When the jurisdiction of any child found to be truant under s. 984.151, F.S., is obtained, the court may retain jurisdiction for up to 180 days. The court must terminate supervision and relinquish jurisdiction if the child has substantially complied with the requirements of early truancy intervention, is no longer subject to compulsory education, or is adjudicated a child in need of services under s. 984.21, F.S.

Jurisdiction of the circuit court shall attach to the case and parties to proceedings filed under s. 984.15, F.S., or s. 984.151, F.S., when the summons is served upon the child and a parent, legal guardian, or custodian, or when the parties personally appear before the court.

Section 6 – Oaths, records and confidential information

The bill amends s. 984.06, F.S., to expand the court's record retention policy to apply to any proceeding under ch. 984, F.S., instead of just children in need of services, and provides that information obtained by the district superintendent, school board employees, and school employees are included under the protection of confidentiality.

Section 7 – Right to counsel

The bill amends s. 984.07, F.S., to provide that when a petition is filed alleging that a child is a child in need of services, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

A child in proceedings under s. 984.151, F.S., may have counsel appointed by the court if the court determines it is in the best interest of the child.

If the parents or legal guardians of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.511, F.S., to represent the child until counsel is provided. Costs of representation must be imposed as provided by s. 57.082, F.S. Thereafter, the court may not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel.

A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

An indigent child may have counsel appointed pursuant to ss. 27.511 and 57.082, F.S., if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt. Costs of representation must be imposed as provided by s. 57.082, F.S.

If the court makes a finding that nonindigent parents have made a good faith effort to participate in services and remediate the child's behavior, but despite their good faith efforts, the child's

truancy, ungovernable behavior, or runaway behavior has persisted, the court may appoint counsel to represent the child as provided in s. 27.511, F.S.

If counsel is entitled to receive compensation for representation pursuant to court appointment in a child in need of services proceeding, such compensation may not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

This section does not preclude the court from requesting reimbursement of attorney fees and costs from the nonindigent parent and legal guardian.

The court may appoint an attorney to represent a parent or legal guardian under this chapter only upon a finding that the parent or legal guardian is indigent pursuant to s. 57.082, F.S. If an attorney is appointed, the parent or legal guardian shall be enrolled in a payment plan pursuant to s. 28.246, F.S.

Section 8 – Resources and information

The bill amends s. 984.071, F.S., to remove the DCF and the DOE from the requirements of developing an informative publication about children and families in need of services. The bill provides that the information guide shall be published in a written format for distribution and shall also be published on the DJJ'S website. The DOE and the DCF must each post the department's information guide on their respective websites.

Section 9 – Repeals ss. 984.08 and 984.085, F.S.

The bill repeals s. 984.08, related to attorney's fees, and s. 984.085, F.S., related to unmarried minors.

Section 10 – Prohibited use of detention

The bill creates s. 984.0861, F.S., to provide that a child under the jurisdiction of the court pursuant to this chapter may not be placed in:

- Any form of detention care intended for the use of alleged juvenile delinquents as authorized under ch.985, F.S., for any purpose.
- A secure detention facility authorized for use under ch. 986, F.S., for any purpose.
- Any jail or other similar facility used for the purpose of detention or confinement of adults, for any purpose.

Section 11 – Punishment for contempt of court

The bill amends s. 984.09, F.S., to provide that it is the intent of the Legislature that the court restrict and limit the use of contempt powers and prohibit the use of detention care and detention facilities as set forth in s. 984.0861, F.S.²⁶

²⁶ Section 984.0861, F.S.

A child adjudicated as a child in need of services may be placed solely in a shelter for purposes of punishment for contempt of court only if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. Such shelter must be operated by or contracted with the DJJ.

A child subject to proceedings under s. 984.151, F.S., who has been held in direct contempt or indirect contempt may only be placed, for five days for a first offense or 15 days for a second or subsequent offense, in a shelter operated by or under contract with the DJJ for such services if a shelter bed is available. Upon a second or subsequent finding of contempt under this section, the court must refer the child to the case staffing committee with a recommendation to file a child in need of services petition.

Any shelter placement ordered under this section must be given as a cumulative sanction. Separate sanctions for the same act or series of acts within the same episode may not be imposed.

If after the hearing, the court determines the child has committed indirect contempt of a valid court order, the court may impose an alternative sanction or may proceed with placement in a secure facility. If the court orders shelter placement of a child in need of services, the court shall review the matter every 72 hours to determine whether it is appropriate for the child to remain in the facility.

Section 12 – Intake

The bill amends s. 984.10, F.S., to provide that a case manager be assigned by the designated provider at intake and requires the case manager to request consent for services and interagency information sharing from the parent, legal guardian, or custodian.

Section 13- Services to families

The bill amends s. 984.11, F.S., to provide that the DJJ or its designated service provider shall provide an array of voluntary family services aimed toward remediating school truancy, homelessness, and runaway and ungovernable behavior by children. The bill provides that the parent is responsible for using health care insurance to the extent it is available for the provision of health services.

A family is not eligible to receive voluntary family services, if, at the time of the referral, the child is under court-ordered supervision by the DJJ for delinquency under ch. 985, F.S., or under court ordered supervision by the DCF under ch. 39, F.S. A child who has received a prearrest delinquency citation, or is receiving delinquency diversion services, may receive voluntary family services.

The bill provides that if there is a pending investigation into an allegation of abuse, neglect or abandonment, the child may be eligible for voluntary family services if the DCF agrees to the provision of services and makes a referral.

Section 14 – Case staffing; services and treatment related to a family in need of services

The bill amends s. 984.12, F.S., to provide that the DJJ shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services require the child and parent, legal guardian or custodian be invited to attend. A case staffing committee meeting must be convened within 30 days after the case is referred by the court.

The case staffing committee shall:

- Identify the family's concerns and contributing factors;
- Request the family and child to identify their needs and concerns;
- Seek input from the school district and other persons in attendance with knowledge of the family or child's situation and concerns;
- Consider the voluntary family services or other community services that have been offered and the results of those services;
- Identify whether truancy is a concern and the efforts made by the child study team to remedy the truancy; and
- Reach a timely decision to provide the child or family with services and recommend any appropriate treatment through the development of a plan for services.

A broad permission is given to any member of the case staffing committee to convene a meeting is clarified to include when the services in the plan are rejected or there is no progress. The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 15 – Taking a child into custody

The bill amends s. 984.13, F.S., to provide that a child may be taken into custody:

- By a law enforcement officer when the officer has reasonable grounds to believe that the child has run away from his or her parents, legal guardian, or custodian;
- By designated school representative or a law enforcement officer when the officer has reasonable grounds to believe the child is absent from school without authorization;
- Pursuant to a court order based on sworn testimony *after* a child in need of services petition is filed;
- Pursuant to a court order that the child has been found guilty of contempt under this chapter; and ,
- By a law enforcement officer when the child agrees to or requests services.

The person taking the child into custody shall:

- Release the child to a parent, legal guardian, custodian or responsible adult relative and make full report to the department's authorized agent for families in need of services within 3 days after release; or
- Deliver the child to a shelter when:
 - The parent or guardian is unavailable to take immediately custody;
 - The child has requested voluntary family services and shelter placement;
 - A court order for shelter placement has been issued; or,

- The child and parent, legal guardian, or custodian voluntarily agree that the child is in need of temporary shelter placement and such placement is necessary to provide a safe place for the child to remain until the parents and child can agree on conditions for the child's safe return home.
- Deliver the child to a hospital for necessary evaluation and treatment if the child is believed to be suffering from a serious physical condition which requires either promote diagnosis or treatment.
- Deliver the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S., if the child is believed to be mentally ill, including immediate threat of suicide as provided in s. 394.463(1), F.S.
- Deliver the child to a hospital, addictions receiving facility, or treatment resource if the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse.

Section 16 – Voluntary shelter services

The bill amends s. 984.14, F.S., to provide that the department shall provide temporary voluntary shelter services for the purpose of offering a safe environment that provides 24-hour care and supervision, referrals for services as needed, education at the center or off site, and counseling services for children.

If a child is sheltered due to being a runaway, or a parent, legal guardian, or custodian is unavailable, the DJJ's designated shelter shall immediately attempt to make contact with the parent, legal guardian, or custodian to advise the family of the child's whereabouts, determine if the child can safely return home, or determine if the family is seeking temporary voluntary shelter services until the family can arrange to take the child home. If the parent, legal guardian, or custodian cannot be located within 24 hours, the DCF shall be contacted to assume custody of the child.

Section 17 – Petition for a child in need of services

The bill amends s. 984.15, F.S., to provide that courts must check for both withholds of adjudication and adjudication of dependency or delinquency in its determination for legal sufficiency of a petition for a child in need of services. Provides that the DJJ must file the petition for a child in need of services as soon as practicable, removing the deadline of 45 days.

Section 18 – Early truancy intervention

The bill amends s. 984.151, F.S., to provide that if the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, with a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-day calendar-day period pursuant to s. 1003.26(1)(b), F.S., or has had more than 15 unexcused absences in a 90-day calendar period, the superintendent of schools or his or her designee may file a truancy petition seeking early truancy intervention.

If the court determines that the student did miss any of the alleged days, the court shall enter an order finding the child to be a truant status offender, shall order the student to attend school, and

shall order the parent, legal guardian, or custodian to ensure that the student attends school. The court's power is limited to entering orders to require the student to attend school and require the student and family to participate in services to encourage regular school attendance. The court may order any of the following services:

- The student to participate in attendance at alternative classes;
- The student's parent, legal guardian, or custodian to participate in parenting classes;
- The student or the student's parent, legal guardian or custodian to participate in individual, group, or family counseling;
- The student or the student's parent, legal guardian, or custodian to participate in community mental health services or substance abuse treatment services if available and applicable;
- The student and the student's parent, legal guardian, or custodian to participate in services provided by state or community agencies, if appropriate, including services for families in need of services as provided in s. 984.11, F.S.;
- The student and the student's parent, legal guardian, or custodian to attend meetings with school officials to address the child's educational needs, classroom assignment, class schedule, and other barriers to school attendance identified by the child's school, the child or his or her family;
- The student and the student's parent, legal guardian, or custodian to engage in learning activities provided by the school board as to why education is important and the potential impact on the child's future employment and education options if the attendance problem persists; or
- The student or the student's parent, legal guardian, or custodian to participate in vocational or, job training.

If the student substantially complies with compulsory school attendance, the court shall close the truancy case.

If the student does not substantially comply with compulsory school attendance and court-ordered services required and the child meets the definition of a child in need of services, the case shall be referred by the court to the department's designated service provider for review by the case staffing committee under s. 984.12, F.S., with a recommendation to file a petition for child in need of services s. 984.15, F.S. The court shall review the case not less than every 45 days to determine if the child is in substantial compliance with compulsory education or if the case should be referred to the case staffing committee.

If the child is adjudicated a child in need of services pursuant to s. 984.21, F.S., the truancy case shall be closed and jurisdiction relinquished in accordance with s. 984.04, F.S.

The court may retain jurisdiction of any case in which the child is noncompliant with compulsory education and the child does not meet the definition of a child in need of services under this chapter until jurisdiction lapses pursuant to s. 984.04, F.S.

The court may not order a child placed in shelter pursuant to this section unless the court finds the child in contempt for violation of a court order under s. 984.09, F.S.

Any truant student that meets the definition of a child in need of services and who has been found in contempt for violation of a court order under s. 984.09, F.S., two or more times shall be referred to the case staffing committee under s. 984.12, F.S., with a recommendation that the committee file a petition for a child in need of services.

The clerk of the circuit court shall serve any court order referring the case to voluntary family services or the case staffing committee to the department's office of general counsel and to the department's designated child in need of services provider.

Section 19 – Process and service for child in need of services petitions

The bill amends s. 984.16, F.S., providing that if a court takes action that directly involves a student's school, including but not limited to, an order that a student attend school, attend school with his or her parent, or an order that the parent participate in meetings, including parent-teacher conferences, Sections 504 plan meetings, or individualized education plan meetings to address the student's disability, the office of the clerk of the circuit court shall provide notice to the school of the court's action.

Section 20 – Response to petition and representation of parties

The bill amends s. 984.17, F.S., to specify when a guardian ad litem may be appointed for a child and revise provisions concerning representation of the department in which a child is alleged to be in need of services.

Section 21 – Repeal of s. 984.18, F.S.

The bill repeals s. 984.18, F.S., related to referral of child in need of services cases to mediation.

Section 22 – Medical screening and treatment of child

The bill amends s. 984.19, F.S., to provide that an authorized agent of the DJJ may have a medical screening provided for a child placed in shelter care, revising provisions concerning consent for medical care for a child in the care of the department.

Section 23 – Hearings

The bill amends s. 984.20, F.S., to provide that the clerk shall set a date for an arraignment hearing within a reasonable time after the date of the filing of the child in need of services petition. The court shall advise the child and the parent, legal guardian, or custodian of the right to counsel as provided in s. 984.07, F.S.

Arraignment Hearing

- The court may grant a continuance of the arraignment hearing if the child or the parent, legal guardian, or custodian request a continuance to obtain an attorney and legal counsel requests a continuance. The case shall be rescheduled for an arraignment hearing within a reasonable period of time to allow for consultation.

- Failure of a person served with notice to appear at the arraignment hearing constitutes the person's consent to the child in need of services petition. The document containing the notice to respond or appear must contain, in type as large as the balance of the document.
- If a person appears for arraignment hearing and the court orders that person to appear, either physically or through audio-video communication technology, at the adjudicatory hearing for the child in need of services case, stating the date, time, place, and if applicable, the instructions for appearance through audio-video communication technology, of the adjudicatory hearing, then that person's failure to appear for the scheduled adjudicatory hearing constitutes consent to a child in need of services adjudication.
- If the court finds the allegations are proven by a preponderance of evidence and the child is a child in need of services, the court shall enter an order of adjudication.

Disposition Hearing

At the disposition hearing the court shall receive and consider a predisposition study, which shall be in writing and be presented by an authorized agent of the department or its provider. After review of the predisposition study and other relevant materials, the court shall hear from the parties and consider all recommendations for court-ordered services, evaluations, treatment and required actions designed to remedy the child's truancy, ungovernable behavior, or running away. The court shall enter an order of disposition.

Review Hearing

The court shall hold a review hearing within 45 days after the disposition hearing. Additional review hearings may be held as necessary, allowing sufficient time for the child and family to work towards compliance with the court orders and monitoring by the case manager. No longer than 90 days may elapse between judicial review hearings.

The parent, legal guardian, or custodian and the child shall be noticed to appear for the review hearing. The DJJ shall appear at the review hearing. If the child or parent, legal guardian, or custodian does not appear at a review hearing, the court may proceed with the hearing and enter orders that affect the child and family accordingly. The child's presence may be waived by the court if the court finds good cause to do so. The court shall consider the department's judicial review summary. Upon request of the petitioner, the court may close the case and relinquish jurisdiction.

At review hearings, the court may enter further orders to adjust the services case plan to address the family needs and compliance with court orders, including but not limited to ordering the child placed in shelter.

Section 24 – Orders of Adjudication

The bill amends s. 984.21, F.S., to provide that an order of adjudication by a court that a child is in need of services is a civil adjudication and not a conviction.

Section 25 – Powers of disposition

The bill amends s. 984.22, F.S., to provide that the disposition order may order the child to be placed in shelter or physically secure shelter. The bill repeals a provision that allows the DJJ to collect fees.

Section 26 - Powers of disposition; placement in a shelter

The bill amends s. 984.225, F.S., to provide that the court may order that a child adjudicated as a child in need of services be placed in shelter for the purpose of enforcing the court's orders, to ensure the child attends school, to ensure the child receives needed counseling, and to ensure the child adheres to a service plan. While a child is in a shelter, the court shall receive education commensurate with his or her grade level and educational ability. The DJJ, or the department's authorized services provider, must verify to the court that a shelter bed is available for the child. If the department or the department's authorized representative verifies that a bed is not available, the department shall place the child's name on a waiting list. The child who has been on the waiting list the longest shall get the next available bed.

The court shall order the parent, legal guardian, or custodian to cooperate with efforts to reunite the child with the family and participate in counseling. If a parent, legal guardian, or custodian prefers to arrange counseling or other services with a private provider in lieu of using services provided by the department, the family shall pay all costs associated with those services.

Placement of a child under this section is designed to provide residential care on a temporary basis. Such placement does not abrogate the legal responsibilities of the parent, legal guardian, or custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

- The court may order any child adjudicated a child in need of services to be placed in shelter for up to 35 days.
- After other alternative, less restrictive remedies have been exhausted, the child may be placed in shelter for up to 90 days if:
 - The child's parent, legal guardian, or custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, legal guardian, or custodian;
 - The child refuses to remain under the reasonable care and custody of the parent, legal guardian, or custodian, as evidenced by repeatedly running away from failing to comply with a court order; or
 - The child has failed to successfully complete an alternative treatment program or to comply with court-ordered services and the child has been placed in a shelter on at least one prior occasion pursuant to a court order after the child has been adjudicated a child in need of services.

The court shall review the child's 90-day shelter placement not less than every 45 days to determine if continued shelter is deemed necessary. The court also shall determine whether the parent, legal guardian, or custodian has reasonably participated in the child's counseling and treatment program and is following the recommendations of the program to work toward

reunification. The court shall also determine whether the department's reunification efforts have been reasonable. If the court finds an inadequate level of support or participation by the parent, legal guardian, or custodian before the end of the shelter commitment period, the court shall direct a staffing to take place with the DCF.

Section 27 – Physically secure setting

The bill amends s. 984.226, F.S., to:

- Authorize the DJJ to contract for physically secure settings;
- Require exhaustion of less restrictive placements before a child may be placed in a physically secure shelter;
- Provide time limits on secure shelter orders;
- Revise provisions concerning review of secure shelter placements. It is the intent of the legislature that physically secure shelter placement be used only when the child cannot receive appropriate and available services due to the child running away or refusing to cooperate with attempts to provide services in other less restrictive placements. The court shall review the child's placement once within every 45 days to determine if the child can be returned home with the provision of ongoing services;
- Provide for the transfer to other shelter placements. The court may order that the child be transitioned from a physically secure shelter setting to a shelter placement as provided in s. 984.225, F.S., upon a finding that the physically secure setting is no longer necessary to ensure the child's safety and provide needed services;
- Require a staffing take place with the DCF in certain circumstances; and
- Provide for the referral of a child to the Agency for Persons with Disabilities in certain circumstances. If the child requires long-term residential mental health or residential care for a developmental disability, the court shall transfer custody of the child to the DCF or the Agency for Persons with Disabilities for the provision of necessary services. The clerk of the circuit court shall serve the DCF or Agency for Person with Disabilities with any court order of referral.

Section 28 – Transfers and rennumbers statutes

The bill transfers s. 985.731, F.S., and rennumbers the section as s. 787.035, F.S.

Section 29 – Amends definition

The bill amends s. 985.03, F.S., to revise the definition of the term "child who has been found to have committed a delinquent act" to mean a child who, under this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition does not include an act constituting contempt of court arising out of a proceeding under ch. 984, F.S.

Section 30 – Use of detention

The bill amends s. 985.24, F.S., to prohibit placement of a child subject to certain proceedings into secure detention care. A child who is alleged to be dependent under ch. 39, F.S., or any child

subject to proceedings under ch. 984, F.S., who is not alleged to have committed a delinquent act or violation of law, may not, under any circumstances, be placed into secure detention care.

Section 31 – Enforcement of school attendance

The bill amends s. 1003.26, F.S., to:

- Provide that the child study team may allow the parent to attend the child study team meeting virtually or by telephone if the parent is unable to attend the meeting in person.
- Provide that if the parent, legal guardian, or custodian or child fails to attend the child study team meeting, the meeting shall be held in his or her absence, and the child study team shall make written recommendations to remediate the truancy, based upon the information available to the school. The recommendations shall be provided to the parent within seven days after the child study team meeting. If the initial meeting does not resolve the problem, the child study team shall take further specified action including:
 - Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if bullying is an issue of concern.
- Revise provisions concerning required notice of a child's enrollment or attendance issues. Under the direction of the district school superintendent, a designated school representative must provide written notice in person or by return-receipt mail to the parent, legal guardian, or custodian, requiring the child's enrollment or attendance within three days after the date of the notice, when no valid reason is found for a student's nonenrollment in school if the child is under compulsory education requirements, and is not exempt.
- Revise provisions concerning the return of a student to a parent or other party in certain circumstances where the parent, legal guardian, or custodian cannot be located or is unavailable, the child must be referred to the DJJ designated shelter services provider.
- Provide that if a student is subject to compulsory school attendance, is responsive to the interventions described above and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.

Section 32 – Court procedures and penalties

The bill amends s. 1003.27, F.S., to:

- Revise reporting requirements for reports by school principals to school boards concerning minor students who accumulate 15 unexcused absences in a period of 90 calendar days.
- Require school board action and provide for remedial actions for failure to comply.
 - Reports shall be made to the district school board at the end of each quarter. The school board shall verify the school's reporting of more than 15 absences within a 90-day period. The district school board shall verify the school has complied with the requirement of remediating truancy at the school level or pursuing appropriate court interventions. Any school not meeting the requirements shall provide a remedial action plan to the school board within 90 days after noncompliance to confirm all truancy cases have been addressed through either remedial efforts that achieved the child's enrollment and regular attendance or referring the case to the appropriate court or agency for court intervention.

- Revise provisions concerning habitual truancy cases, cooperative agreements, and habitually truant students.
- Revise who may begin certain proceedings and prosecutions.

Section 33 – Canadian Prescription Drug Importation Program

The bill amends s. 381.02035, F.S., to authorize pharmacists employed by the DJJ to import drugs from Canada under specified programs.

Section 34 – Use of BB guns, air or gas-operated guns or electric weapons or devices by minor under 16

The bill amends s. 790.22, F.S., to revise provisions concerning the treatment of a finding that a minor violated specified provisions, regardless of whether adjudication occurred or was withheld, for purposes of determining whether a prior offense was committed.

Section 35 – Prearrest delinquency citation programs

The bill amends s. 985.12, F.S., to remove the provision that the DJJ annually develop and produce best practice models for prearrest delinquency citation programs.

Section 36 – Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record

The bill amends s. 985.126, F.S., to revise the requirements for a quarterly report on prearrest citation programs.

Section 37 – Detention Intake

The bill amends s. 985.25, F.S., to provide for supervised release or detention of a child despite the child's risk assessment score in certain circumstances. The bill also limits the number of categories that a child may be moved. A child may only be moved one category in either direction within the risk assessment instrument and release is not authorized if it would cause the child to be moved more than one category.

Section 38 – Disposition hearings in delinquency cases

The bill amends s. 985.433, F.S., to require that a child be placed on conditional release rather than probation following discharge from commitment.

Section 39 – Repeals s. 985.625, F.S.

The bill repeals s. 985.625, F.S, relating to literacy programs for juvenile offenders.

Section 40 – Quality improvement and cost-effectiveness

The bill amends s. 985.632, F.S. to remove provision for development of cost-effectiveness model and application of the model to each commitment program.

Sections 41-46

The bill provides conforming changes to ss. 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618, F.S., respectively.

Section 47

The bill takes effect on 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 bill may have an indeterminate workload impact on state government expenditures to the extent it redirects additional status offenders to CINS/FINS programs. The DJJ has

indicated the bill may increase CINS/FINS utilization and associated workload for circuit courts.²⁷

The DCF has indicated that any impact on administrative workload of the department or to CINS/FINS program services delivered by Community Based Care lead agencies can be absorbed within existing resources. Any initial impacts to the DJJ or the courts as a result of the bill can likely also be absorbed within existing resources, and potential future needs could be addressed through the Agency Legislative Budget Request process.

The bill would ensure federal compliance with the deinstitutionalization of the status offenders requirement set forth in the Juvenile Justice and Delinquency Prevention Act. While there have been only isolated cases of a judge ordering detention for contempt of court in status offense proceedings, the prohibition on detention for status offenses the bill places throughout ch. 984, F.S., would make it explicitly clear.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.01, 984.02, 984.03, 984.04, 984.06, 984.07, 984.071, 984.09, 984.10, 984.11, 984.12, 984.13, 984.14, 984.15, 984.151, 984.16, 984.17, 984.19, 984.20, 984.21, 984.22, 984.225, 984.226, 985.731, 787.035, 985.03, 985.24, 1003.26, 1003.27, 381.02035, 790.22, 985.12, 985.126, 985.25, 985.433, 985.632, 95.11, 409.2564, 419.001, 744.309, 784.075, and 985.618.

This bill creates section 984.0861 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 984.08, 984.085, 984.18, and 985.625.

IX. Additional Information:

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute:

²⁷ Department of Juvenile Justice, Agency Analysis of 2025, p. 19-20 (on file with the Senate Committee on Criminal Justice).

²⁸ *Id.* at p. 20-21 (on file with the Senate Committee on Criminal Justice).

- Incorporates clarifying language over multiple sections relating to DJJ-DCF interaction.
- Adds the language “dependent child” under court-ordered supervision by the DCF under ch. 39, F.S.
- Clarifies that “child caring agencies” must be licensed under the DCF.
- Requires the court to order a staffing take place with the DCF when there is a finding of an inadequate level of participation by the parent, legal guardian, or custodian of a child in shelter before the end of the shelter commitment period.
- Makes technical and clarifying changes.

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Incorporates technical and clarifying changes.
- Clarifies provisions related to appointment of counsel and the indigent status of the child.
- Provides that a family is not eligible for voluntary family services if at the time of the referral the child is under court-ordered supervision.
- Provides that a child may be eligible for voluntary services if there is a pending DCF investigation.
- Requires a written report within 3 days of a child’s release from custody to a parent, legal guardian or custodian.
- Provides when a child may be delivered to a shelter designated by the department.
- Provides that a child may be delivered to a hospital for evaluation and treatment if it is reasonably believed that the child is suffering from a physical condition requiring a need for treatment, is intoxicated, or in need of treatment for suicide prevention.
- Removes provision limiting the court’s power to enter orders to require a student to attend school as a form of early truancy intervention.
- Provides that a student may not be determined to be habitually truant if the student has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Yarborough

591-02841-25

20251386c1

A bill to be entitled

An act relating to assault or battery on a utility worker; amending s. 784.07, F.S.; defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker; amending ss. 901.15, 921.0022, 943.051, 985.11, and 985.644, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 784.07, Florida Statutes, is amended, and paragraph (h) is added to subsection (1) of that section, to read:

784.07 Assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.—

(1) As used in this section, the term:

(h) "Utility worker" means a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible at all times and which clearly identifies the employing or contracting utility and which clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation of, transmission of, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint

Page 1 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

service.

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, ~~or~~ a security officer employed by the board of trustees of a community college, or a utility worker while the officer, firefighter, emergency medical care provider, hospital personnel, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, ~~or~~ security officer, or utility worker is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Page 2 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

Section 2. Subsection (15) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(15) There is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other specified persons ~~officers~~ as set forth in s. 784.07 or has committed assault or battery upon any employee of a receiving facility as defined in s. 394.455 who is engaged in the lawful performance of his or her duties.

Section 3. Paragraphs (d), (f), and (g) of subsection (3)

591-02841-25

20251386c1

of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935(3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

	591-02841-25		20251386c1
99	517.07(1)	3rd	Failure to register securities.
	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
100	784.031	3rd	Battery by strangulation.
101	784.07(2)(b)	3rd	Battery of law enforcement officer, <u>utility worker</u> , firefighter, etc.
102	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
103	784.075	3rd	Battery on detention or commitment facility staff.
104	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
105	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
106	784.081(3)	3rd	Battery on specified official or employee.
107	784.082(3)	3rd	Battery by detained person on

Page 5 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02841-25		20251386c1
			visitor or other detainee.
108	784.083(3)	3rd	Battery on code inspector.
109	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
110	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
111	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
112	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
113	787.07	3rd	Human smuggling.
114	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
115			

Page 6 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

790.115(2)(b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

790.115(2)(c) 3rd Possessing firearm on school property.

794.051(1) 3rd Indecent, lewd, or lascivious touching of certain minors.

800.04(7)(c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

806.135 2nd Destroying or demolishing a memorial or historic property.

810.02(4)(a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

810.06 3rd Burglary; possession of tools.

591-02841-25 20251386c1

810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.

810.145(3)(b) 3rd Digital voyeurism dissemination.

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

812.014 (2)(c)4. & 6.-10. 3rd Grand theft, 3rd degree; specified items.

812.014(2)(d)2. 3rd Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.

812.014(2)(e)3. 3rd Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.

812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

817.505(4)(a) 3rd Patient brokering.

591-02841-25

20251386c1

131

817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

132

817.568(2) (a) 3rd Fraudulent use of personal identification information.

133

817.5695(3) (c) 3rd Exploitation of person 65 years of age or older, value less than \$10,000.

134

817.625(2) (a) 3rd Fraudulent use of scanning device, skimming device, or reencoder.

135

817.625(2) (c) 3rd Possess, sell, or deliver skimming device.

136

828.125(1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

137

836.14(2) 3rd Person who commits theft of a sexually explicit image with intent to promote it.

138

Page 9 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

836.14(3)

3rd Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.

139

837.02(1)

3rd Perjury in official proceedings.

140

837.021(1)

3rd Make contradictory statements in official proceedings.

141

838.022

3rd Official misconduct.

142

839.13(2) (a)

3rd Falsifying records of an individual in the care and custody of a state agency.

143

839.13(2) (c)

3rd Falsifying records of the Department of Children and Families.

144

843.021

3rd Possession of a concealed handcuff key by a person in custody.

145

843.025

3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

Page 10 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

146

843.15(1)(a) 3rd Failure to appear while on bail
for felony (bond estreatment or
bond jumping).

147

843.19(2) 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

148

847.0135(5)(c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

149

870.01(3) 2nd Aggravated rioting.

150

870.01(5) 2nd Aggravated inciting a riot.

151

874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.

152

893.13(2)(a)1. 2nd Purchase of cocaine (or other
s. 893.03(1)(a), (b), or (d),
(2)(a), (2)(b), or (2)(c)5.
drugs).

153

914.14(2) 3rd Witnesses accepting bribes.

154

914.22(1) 3rd Force, threaten, etc., witness,

Page 11 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

155

victim, or informant.

914.23(2)

3rd

Retaliation against a witness,
victim, or informant, no bodily
injury.

156

916.1085
(2)(c)1.

3rd

Introduction of specified
contraband into certain DCF
facilities.

157

918.12

3rd

Tampering with jurors.

158

934.215

3rd

Use of two-way communications
device to facilitate commission
of a crime.

159

944.47(1)(a)6.

3rd

Introduction of contraband
(cellular telephone or other
portable communication device)
into correctional institution.

160

951.22(1)(h),
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

161

162

(f) LEVEL 6

Page 12 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

163
164

165

166

167

168

169

170

171

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.

591-02841-25 20251386c1

172
173
174
175
176
177
178
179
180

775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer, <u>utility worker, firefighter, etc.</u>
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.

	591-02841-25		20251386c1
181	784.081(2)	2nd	Aggravated assault on specified official or employee.
182	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
183	784.083(2)	2nd	Aggravated assault on code inspector.
184	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
185	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
186	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
187	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

	591-02841-25		20251386c1
188	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
189	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
190	794.05(1)	2nd	Unlawful sexual activity with specified minor.
191	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
192	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
193	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
194	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or

591-02841-25 20251386c1

subsequent offense.

195

812.014(2)(b)1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

196

812.014(2)(c)5. 3rd Grand theft; third degree; firearm.

197

812.014(6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

198

812.015(9)(a) 2nd Retail theft; property stolen \$750 or more; second or subsequent conviction.

199

812.015(9)(b) 2nd Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.

200

812.015(9)(d) 2nd Retail theft; multiple thefts within specified period.

201

812.015(9)(e) 2nd Retail theft; committed with specified number of other persons and use of social media platform.

Page 17 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

202

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

203

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

204

817.49(2)(b)2. 2nd Willful making of a false report of a crime resulting in death.

205

817.505(4)(b) 2nd Patient brokering; 10 or more patients.

206

817.5695(3)(b) 2nd Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.

207

825.102(1) 3rd Abuse of an elderly person or disabled adult.

208

825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

209

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

210

Page 18 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02841-25		20251386c1
	825.103(3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
211			
	827.03(2) (c)	3rd	Abuse of a child.
212			
	827.03(2) (d)	3rd	Neglect of a child.
213			
	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
214			
	828.126(3)	3rd	Sexual activities involving animals.
215			
	836.05	2nd	Threats; extortion.
216			
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
217			
	843.12	3rd	Aids or assists person to escape.
218			
	847.011	3rd	Distributing, offering to distribute, or possessing with

	591-02841-25		20251386c1
			intent to distribute obscene materials depicting minors.
219			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
220			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
221			
	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
222			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
223			
	918.13(2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
224			
	944.35(3) (a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great

591-02841-25 20251386c1

bodily harm.

225

944.40 2nd

Escapes.

226

944.46 3rd

Harboring, concealing, aiding
escaped prisoners.

227

944.47(1)(a)5. 2nd

Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

228

951.22(1)(i) 3rd

Firearm or weapon introduced
into county detention facility.

229

230

(g) LEVEL 7

231

232

Florida Statute	Felony Degree	Description

233

316.027(2)(c) 1st

Accident involving death,
failure to stop; leaving scene.

234

316.193(3)(c)2. 3rd

DUI resulting in serious bodily
injury.

235

316.1935(3)(b) 1st

Causing serious bodily injury
or death to another person;
driving at high speed or with

Page 21 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

wanton disregard for safety
while fleeing or attempting to
elude law enforcement officer
who is in a patrol vehicle with
siren and lights activated.

236

327.35(3)(c)2. 3rd

Vessel BUI resulting in serious
bodily injury.

237

402.319(2) 2nd

Misrepresentation and
negligence or intentional act
resulting in great bodily harm,
permanent disfigurement,
permanent disability, or death.

238

409.920 3rd
(2)(b)1.a.Medicaid provider fraud;
\$10,000 or less.

239

409.920 2nd
(2)(b)1.b.Medicaid provider fraud; more
than \$10,000, but less than
\$50,000.

240

456.065(2) 3rd

Practicing a health care
profession without a license.

241

456.065(2) 2nd

Practicing a health care
profession without a license
which results in serious bodily
injury.

Page 22 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

242

458.327(1) 3rd Practicing medicine without a
license.

243

459.013(1) 3rd Practicing osteopathic medicine
without a license.

244

460.411(1) 3rd Practicing chiropractic
medicine without a license.

245

461.012(1) 3rd Practicing podiatric medicine
without a license.

246

462.17 3rd Practicing naturopathy without
a license.

247

463.015(1) 3rd Practicing optometry without a
license.

248

464.016(1) 3rd Practicing nursing without a
license.

249

465.015(2) 3rd Practicing pharmacy without a
license.

250

466.026(1) 3rd Practicing dentistry or dental
hygiene without a license.

251

467.201 3rd Practicing midwifery without a

Page 23 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

252

license.

468.366

3rd

Delivering respiratory care
services without a license.

253

483.828(1)

3rd

Practicing as clinical
laboratory personnel without a
license.

254

483.901(7)

3rd

Practicing medical physics
without a license.

255

484.013(1)(c)

3rd

Preparing or dispensing optical
devices without a prescription.

256

484.053

3rd

Dispensing hearing aids without
a license.

257

494.0018(2)

1st

Conviction of any violation of
chapter 494 in which the total
money and property unlawfully
obtained exceeded \$50,000 and
there were five or more
victims.

258

560.123(8)(b)1.

3rd

Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by a
money services business.

Page 24 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

259

560.125(5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

260

655.50(10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

261

775.21(10) (a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

262

775.21(10) (b) 3rd Sexual predator working where children regularly congregate.

263

775.21(10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

264

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the

Page 25 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

265

perpetrator of an attempted felony.

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

266

782.071

2nd

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

267

782.072

2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

268

784.045(1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

269

784.045(1) (a) 2.

2nd

Aggravated battery; using deadly weapon.

270

784.045(1) (b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

271

Page 26 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02841-25		20251386c1
	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
272			
	784.048(7)	3rd	Aggravated stalking; violation of court order.
273			
	784.07(2)(d)	1st	Aggravated battery on law enforcement officer, <u>utility worker, firefighter, etc.</u>
274			
	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
275			
	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
276			
	784.081(1)	1st	Aggravated battery on specified official or employee.
277			
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
278			
	784.083(1)	1st	Aggravated battery on code inspector.
279			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services

Page 27 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	591-02841-25		20251386c1
			of an adult.
280			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
281			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
282			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
283			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
284			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
285			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
286			
	790.166(4)	2nd	Possessing, displaying, or

Page 28 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

287

790.23

1st,PBL

Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

288

794.08(4)

3rd

Female genital mutilation;
consent by a parent, guardian,
or a person in custodial
authority to a victim younger
than 18 years of age.

289

796.05(1)

1st

Live on earnings of a
prostitute; 2nd offense.

290

796.05(1)

1st

Live on earnings of a
prostitute; 3rd and subsequent
offense.

291

800.04(5)(c)1.

2nd

Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

292

800.04(5)(c)2.

2nd

Lewd or lascivious molestation;

Page 29 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

victim 12 years of age or older
but younger than 16 years of
age; offender 18 years of age
or older.

293

800.04(5)(e)

1st

Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years;
offender 18 years or older;
prior conviction for specified
sex offense.

294

806.01(2)

2nd

Maliciously damage structure by
fire or explosive.

295

810.02(3)(a)

2nd

Burglary of occupied dwelling;
unarmed; no assault or battery.

296

810.02(3)(b)

2nd

Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

297

810.02(3)(d)

2nd

Burglary of occupied
conveyance; unarmed; no assault
or battery.

298

810.02(3)(e)

2nd

Burglary of authorized
emergency vehicle.

299

Page 30 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

812.014(2)(g) 2nd Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

812.019(2) 1st Stolen property; initiates,

591-02841-25 20251386c1

organizes, plans, etc., the theft of property and traffics in stolen property.

812.131(2)(a) 2nd Robbery by sudden snatching.

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

817.2341 1st Making false entries of
(2)(b) & material fact or false
(3)(b) statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the

591-02841-25

20251386c1

insolvency of that entity.

313

817.418(2)(a) 3rd Offering for sale or
advertising personal protective
equipment with intent to
defraud.

314

817.504(1)(a) 3rd Offering or advertising a
vaccine with intent to defraud.

315

817.535(2)(a) 3rd Filing false lien or other
unauthorized document.

316

817.611(2)(b) 2nd Traffic in or possess 15 to 49
counterfeit credit cards or
related documents.

317

825.102(3)(b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

318

825.103(3)(b) 2nd Exploiting an elderly person or
disabled adult and property is
valued at \$10,000 or more, but
less than \$50,000.

319

827.03(2)(b) 2nd Neglect of a child causing
great bodily harm, disability,

Page 33 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

or disfigurement.

320

827.04(3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

321

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

322

827.071(4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes child pornography.

323

837.05(2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

324

838.015 2nd Bribery.

325

838.016 2nd Unlawful compensation or reward
for official behavior.

326

838.021(3)(a) 2nd Unlawful harm to a public
servant.

327

838.22 2nd Bid tampering.

328

Page 34 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

843.0855(2) 3rd Impersonation of a public officer or employee.

843.0855(3) 3rd Unlawful simulation of legal process.

843.0855(4) 3rd Intimidation of a public officer or employee.

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

872.06 2nd Abuse of a dead human body.

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

893.13(1)(c)1. 1st Sell, manufacture, or deliver

591-02841-25 20251386c1

cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.

893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

893.135 1st Trafficking in cocaine, more

591-02841-25 20251386c1

(1) (b) 1.a. than 28 grams, less than 200 grams.

341 893.135 1st Trafficking in illegal drugs,

(1) (c) 1.a. more than 4 grams, less than 14 grams.

342 893.135 1st Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

(1) (c) 2.a.

343 893.135 1st Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

(1) (c) 2.b.

344 893.135 1st Trafficking in oxycodone, 7 grams or more, less than 14 grams.

(1) (c) 3.a.

345 893.135 1st Trafficking in oxycodone, 14 grams or more, less than 25 grams.

(1) (c) 3.b.

346 893.135 1st Trafficking in fentanyl, 4 grams or more, less than 14 grams.

(1) (c) 4.b. (I)

347 893.135 1st Trafficking in phencyclidine, 28 grams or more, less than 200

(1) (d) 1.a.

Page 37 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1

grams.

348 893.135 (1) (e) 1. 1st Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.

349 893.135 (1) (f) 1. 1st Trafficking in amphetamine, 14 grams or more, less than 28 grams.

350 893.135 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

(1) (g) 1.a.

351 893.135 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

(1) (h) 1.a.

352 893.135 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

(1) (j) 1.a.

353 893.135 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

(1) (k) 2.a.

354 893.135 1st Trafficking in synthetic cannabinoids, 280 grams or

(1) (m) 2.a.

Page 38 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1
 more, less than 500 grams.

355 893.135 1st Trafficking in synthetic
 (1) (m) 2.b. cannabinoids, 500 grams or
 more, less than 1,000 grams.

356 893.135 1st Trafficking in n-benzyl
 (1) (n) 2.a. phenethylamines, 14 grams or
 more, less than 100 grams.

357 893.1351(2) 2nd Possession of place for
 trafficking in or manufacturing
 of controlled substance.

358 896.101(5) (a) 3rd Money laundering, financial
 transactions exceeding \$300 but
 less than \$20,000.

359 896.104(4) (a) 1. 3rd Structuring transactions to
 evade reporting or registration
 requirements, financial
 transactions exceeding \$300 but
 less than \$20,000.

360 943.0435(4) (c) 2nd Sexual offender vacating
 permanent residence; failure to
 comply with reporting
 requirements.

361

Page 39 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25 20251386c1
 943.0435(8) 2nd Sexual offender; remains in
 state after indicating intent
 to leave; failure to comply
 with reporting requirements.

362 943.0435(9) (a) 3rd Sexual offender; failure to
 comply with reporting
 requirements.

363 943.0435(13) 3rd Failure to report or providing
 false information about a
 sexual offender; harbor or
 conceal a sexual offender.

364 943.0435(14) 3rd Sexual offender; failure to
 report and reregister; failure
 to respond to address
 verification; providing false
 registration information.

365 944.607(9) 3rd Sexual offender; failure to
 comply with reporting
 requirements.

366 944.607(10) (a) 3rd Sexual offender; failure to
 submit to the taking of a
 digitized photograph.

367 944.607(12) 3rd Failure to report or providing

Page 40 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

false information about a
sexual offender; harbor or
conceal a sexual offender.

944.607(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

Section 4. Paragraph (b) of subsection (3) of section
943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and
storage; fingerprinting.—

Page 41 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

(3)

(b) A minor who is charged with or found to have committed
the following offenses shall be fingerprinted and the
fingerprints shall be submitted electronically to the
department, unless the minor is issued a prearrest delinquency
citation pursuant to s. 985.12:

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(2).
4. Unlawful use of destructive devices or bombs, as defined
in s. 790.1615(1).
5. Neglect of a child, as defined in s. 827.03(1)(e).
6. Assault or battery on a law enforcement officer, a
firefighter, or other specified persons ~~officers~~, as provided
~~defined~~ in s. 784.07 ~~784.07(2)(a) and (b)~~.
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s.
790.22(5).
10. Petit theft, as defined in s. 812.014(3).
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, as defined in s. 806.031(1).
13. Unlawful possession or discharge of a weapon or firearm
at a school-sponsored event or on school property, as provided
in s. 790.115.

Section 5. Paragraph (b) of subsection (1) of section
985.11, Florida Statutes, is amended to read:

985.11 Fingerprinting and photographing.—

(1)

Page 42 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

(b) Unless the child is issued a prearrest delinquency citation pursuant to s. 985.12, a child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(2).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Neglect of a child, as defined in s. 827.03(1)(e).
6. Assault on a law enforcement officer, a firefighter, or other specified persons ~~officers~~, as defined in s. 784.07 ~~784.07(2)(a)~~.
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s. 790.22(5).
10. Petit theft, as defined in s. 812.014.
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).
13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems

Page 43 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 6. Paragraph (a) of subsection (3) of section 985.644, Florida Statutes, is amended to read:

985.644 Departmental contracting powers; personnel standards and investigation.—

(3)(a) All employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete:

1. A level 2 employment screening pursuant to chapter 435

Page 44 of 45

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02841-25

20251386c1

before employment. The security background investigation conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the background screening provisions of this section has an arrest awaiting final disposition for, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under the following provisions of state law or similar laws of another jurisdiction:

a. Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified persons ~~officers~~.

b. Section 817.568, relating to criminal use of personal identification information.

2. A national criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

Section 7. This act shall take effect October 1, 2025.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1386
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **Senate Bill #1386**, relating to Assault or Battery on a Utility Worker, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.



Senator Clay Yarborough
Florida Senate, District 4

4/10/25

Meeting Date

CCJ Approps

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1386

Bill Number or Topic

Amendment Barcode (if applicable)

Name Alexandria Kernan

Phone _____

Address 215 S Monroe St, Suite 601

Email _____

Street

Tallahassee

Florida

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Section - American Water
Works Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

4/10/25

Meeting Date

Approp. Crim / Civ Justice

Committee

1386

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Ryan Matthews

Phone

813 577 9098

Address

34 S. Brunswick St.

Email

Ryan Matthews @ ryan-matthews.com

Street

TLH

FL

32361

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL Municipal Natural Gas Assoc.

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1386

4/10/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Approp Comm / Civ Justice
Committee

Amendment Barcode (if applicable)

Name

Nicole Albers

Phone

850 294 8591

Address

34 S. Bayh St

Email

nalbers@flnpublicpower.com

Street

City

TEH

State

FL

Zip

32301

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Municipal Electric Assoc.

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1386

4/10/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Appropriations Com & Civil Justice

Committee

Amendment Barcode (if applicable)

Adam Basford

Name

352-538-4299

Phone

516 N Adams St

Address

abasford@a.f.com

Email

Street

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Associated Industries of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/10/25

Meeting Date

Appropriations Committee on Criminal and Civil Justice

Committee

1386

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Dale Calhoun**

Phone **8506810496**

Address **PO Box 11026**

Email **dale.calhoun@floridagas.org**

Street

Tallahassee

FL

32302

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Florida Natural Gas Association
Florida Propane Gas Association**

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1386

Bill Number or Topic

4-10-25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Civil Justice Approps

Committee

Amendment Barcode (if applicable)

Name Victoria Price

Phone _____

Address 310 West College Ave

Email vprice@chpk.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Public Utilities Company

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/10/25
Meeting Date
Criminal Justice
Committee

1386
Bill Number or Topic

Amendment Barcode (if applicable)

Name Drew Love Phone 863-698-9936

Address 2916 Apalachee Parkway Email drew@feca.com
Street
Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Electric Cooperatives Assn.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



540570

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 784.07, Florida
Statutes, is amended, and paragraph (h) is added to subsection
(1) of that section, to read:

784.07 Assault or battery of law enforcement officers and
other specified personnel; reclassification of offenses; minimum
sentences.—



540570

(1) As used in this section, the term:

(h) "Utility worker" means a person who bears at least one patch, emblem, organizational identification, or other clear marking that is intended to be plainly visible, that identifies the employing or contracting utility, and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution, or furnishing to or for the public, of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, ~~or~~ a security officer employed by the



540570

board of trustees of a community college, or a utility worker
engaged in work on critical infrastructure as defined in s.
812.141(1), while the officer, firefighter, emergency medical
care provider, hospital personnel, railroad special officer,
traffic accident investigation officer, traffic infraction
enforcement officer, inspector, analyst, operator, law
enforcement explorer, parking enforcement specialist, public
transit employee or agent, ~~or~~ security officer, or utility
worker is engaged in the lawful performance of his or her
duties, the offense for which the person is charged shall be
reclassified as follows:

(a) In the case of assault, from a misdemeanor of the
second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first
degree to a felony of the third degree. Notwithstanding any
other provision of law, a person convicted of battery upon a law
enforcement officer committed in furtherance of a riot or an
aggravated riot prohibited under s. 870.01 shall be sentenced to
a minimum term of imprisonment of 6 months.

(c) In the case of aggravated assault, from a felony of the
third degree to a felony of the second degree. Notwithstanding
any other provision of law, any person convicted of aggravated
assault upon a law enforcement officer shall be sentenced to a
minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the
second degree to a felony of the first degree. Notwithstanding
any other provision of law, any person convicted of aggravated
battery of a law enforcement officer shall be sentenced to a
minimum term of imprisonment of 5 years.



540570

Section 2. Subsection (15) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(15) There is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other specified persons ~~officers~~ as provided ~~set forth~~ in s. 784.07 or has committed assault or battery upon any employee of a receiving facility as defined in s. 394.455 who is engaged in the lawful performance of his or her duties.

Section 3. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted electronically to the department, unless the minor is issued a prearrest delinquency citation pursuant to s. 985.12:

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(2).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Neglect of a child, as defined in s. 827.03(1)(e).
6. Assault or battery on a law enforcement officer, a



540570

firefighter, or other specified persons ~~officers~~, as provided
~~defined~~ in s. 784.07 ~~784.07(2)(a) and (b)~~.

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s.
790.22(5).

10. Petit theft, as defined in s. 812.014(3).

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm
at a school-sponsored event or on school property, as provided
in s. 790.115.

Section 4. Paragraph (b) of subsection (1) of section
985.11, Florida Statutes, is amended to read:

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a prearrest delinquency
citation pursuant to s. 985.12, a child who is charged with or
found to have committed one of the following offenses shall be
fingerprinted, and the fingerprints shall be submitted to the
Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined
in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault on a law enforcement officer, a firefighter, or
other specified persons ~~officers~~, as provided ~~defined~~ in s.



540570

784.07 ~~784.07(2)(a)~~.

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s.
790.22(5).

10. Petit theft, as defined in s. 812.014.

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, resulting in bodily harm to a firefighter, as
defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm
at a school-sponsored event or on school property as defined in
s. 790.115.

A law enforcement agency may fingerprint and photograph a child
taken into custody upon probable cause that such child has
committed any other violation of law, as the agency deems
appropriate. Such fingerprint records and photographs shall be
retained by the law enforcement agency in a separate file, and
these records and all copies thereof must be marked "Juvenile
Confidential." These records are not available for public
disclosure and inspection under s. 119.07(1) except as provided
in ss. 943.053 and 985.04(2), but shall be available to other
law enforcement agencies, criminal justice agencies, state
attorneys, the courts, the child, the parents or legal
custodians of the child, their attorneys, and any other person
authorized by the court to have access to such records. In
addition, such records may be submitted to the Department of Law
Enforcement for inclusion in the state criminal history records
and used by criminal justice agencies for criminal justice



540570

purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 5. Paragraph (a) of subsection (3) of section 985.644, Florida Statutes, is amended to read:

985.644 Departmental contracting powers; personnel standards and investigation.—

(3)(a) All employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete:

1. A level 2 employment screening pursuant to chapter 435 before employment. The security background investigation conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the background screening provisions of this section has an arrest awaiting final disposition for, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under the following provisions of state law or similar laws of another jurisdiction:

a. Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other



540570

specified persons ~~officers~~.

b. Section 817.568, relating to criminal use of personal identification information.

2. A national criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

Section 6. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to assault or battery on a utility worker; amending s. 784.07, F.S.; defining the term "utility worker"; providing for reclassification of certain offenses committed against a utility worker engaged in work on critical infrastructure; amending ss. 901.15, 943.051, 985.11, and 985.644, F.S.; conforming provisions to changes made by the act; providing an effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1386

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee and Senator Yarborough

SUBJECT: Assault or Battery on a Utility Worker

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Denson</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1386 amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against a utility worker while such utility worker is engaged in work on critical infrastructure, as defined in s. 812.141(1), F.S.

A “utility worker,” as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking that is intended to be plainly visible, that identifies the employing or contracting utility, and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution, or furnishing to or for the public, of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

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:

Assault and Battery of Utility Workers

There have been several reported instances of assault or battery against a utility officer in Florida over the past few years. One notable case occurred in October 2024, when a man from Hillsborough County was arrested for suspected aggravated assault. The man became frustrated when a road was partially blocked as utility crews worked to restore power in the area. In a fit of anger, he backed his vehicle into the utility pole and then threatened to shoot the utility workers who attempted to prevent him from fleeing the scene.¹ Another instance took place in February of 2025 involving a woman from Polk County who released her dogs on two utility workers who were investigating possible utility theft.²

Assault and Aggravated Assault

Section 784.011, F.S., provides that it is a second degree misdemeanor³ to commit an assault, which is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the other person that such violence is imminent.

The courts have established that a well-founded fear in another person is measured by the reasonable person standard. According to this standard, if the circumstances are such that they would typically induce fear in the mind of a reasonable person, then the victim may be found to be in fear.⁴

Section 784.021, F.S., provides that an aggravated assault is an assault:

- With a deadly weapon⁵ without intent to kill; or
- With an intent to commit a felony.

Aggravated assault is a third degree felony⁶ and is ranked a Level 6 offense in the Criminal Punishment Code offense severity level ranking chart.⁷

¹ Hillsborough County Sheriff's Office Press Release, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: <https://www.teamhcsco.com/News/PressRelease/8eabd8cf-d2b7-4340-ab0a-9b6c96a5df54/24-220> (Last visited March 20, 2025).

² Law and Crime News, *Man Arrested After Threatening Utility Workers Restoring Power Post-hurricane*, available at: <https://lawandcrime.com/crime/released-her-dogs-at-them-florida-woman-allegedly-used-great-dane-to-attack-investigators-after-stealing-electricity/> (Last visited March 20, 2025).

³ A second degree misdemeanor is punishable by not more than 60 days in county jail and a fine not exceeding \$500. Sections 775.082 and 775.083, F.S.

⁴ *Brennan v Syfrett*, 369 So.3d 320 (Fla. 1st DCA 2023).

⁵ When undefined in statute, Florida courts have defined a “deadly weapon” as an instrument that will likely cause death or great bodily harm when used in the ordinary and usual manner contemplated by its design or an object that is used or threatened to be used in a way likely to produce death or great bodily harm. *See Brown v. State*, 86 So.3d 569, 571 (Fla. 5th DCA 2012).

⁶ A third degree felony is punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S.

⁷ Section 921.0022(3)(f), F.S.

Battery and Aggravated Battery

Section 784.03, F.S., provides that the offense of battery occurs when a person:

- Actually and intentionally touches or strikes another person against the will of the other; or
- Intentionally causes bodily harm to another person.

Under this statute, battery is generally classified as a first degree misdemeanor.⁸ However, if an individual has a prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery offense, they can be charged with a third-degree felony.⁹

Section 784.045, F.S., provides that a person commits an aggravated battery who, in committing battery:

- Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement;
- Uses a deadly weapon; or
- Knows or should have known that the victim of the battery was pregnant at the time of the offense.

Aggravated battery is a second degree felony and is ranked in Level 7 of the Criminal Punishment Code offense severity level ranking chart.¹⁰

Assault or Battery on a Law Enforcement Officers or Other Specified Professional

Section 784.07(2), F.S., reclassifies the degree of an offense for assault, aggravated assault, battery, and aggravated battery when a person is charged with intentionally committing any of these offenses against an officer or employee who is engaged in engaged in the lawful performance of his or her duties.

Law enforcement officers and specified personnel are currently identified as:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A railroad special officer;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;

⁸ A first degree misdemeanor is punishable by not more than a year in county jail and a fine not exceeding \$1,000. Sections 775.082(4)(a) and 775.083(1)(d), F.S.

⁹ Section 784.03(2), F.S.

¹⁰ Section 921.0022(3)(g), F.S. A second degree felony is punishable by not more than 15 years in state prison and a fine of up to \$10,000. Sections 775.082(3)(d) and 775.083(1)(b), F.S.

- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer;
- A security officer employed by the board of trustees of a community college; or
- A public transit employee or agent.

The reclassification of the degree of the offense is as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment; and
- In the case of aggravated battery, from a second degree felony to a first degree felony,¹¹ and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.¹²

Additionally, if an individual, during the commission of a battery subject to reclassification as a third degree felony, possessed:

- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.¹³

Reclassifying an offense increases the maximum sentence for that offense. Typically, the maximum sentence for a criminal offense is determined by the degree of the misdemeanor or felony. The following are the maximum sentences associated with each degree:

- 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.¹⁴

¹¹ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082(3)(b) and 775.083(1)(b), F.S.

¹² Section 784.07(2)(a)-(d), F.S.

¹³ Section 784.07(3)(a) and (b), F.S. Additionally, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release, prior to serving the minimum sentence. Section 784.07(3), F.S.

¹⁴ Section 775.082, F.S. (maximum penalties). Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.082, 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.

Offenses Involving Critical Infrastructure

Section 812.141(1), F.S. defines critical infrastructure as any linear asset or any of the following for which the owner or operator has employed measures designed to exclude unauthorized persons, including, but not limited to, fences, barriers, guard posts, or signs prohibiting trespass:

- An electric power generation, transmission, or distribution facility, or a substation, a switching station, or an electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural gas or compressed gas compressor station or storage facility.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more.
- A wireless or wired communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
- A water intake structure, water treatment facility, wastewater treatment plant, pump station, or lift station.
- A seaport.¹⁵
- A railroad switching yard, trucking terminal, or other freight transportation facility.
- An airport.¹⁶
- A spaceport territory.¹⁷
- A transmission facility used by a federally licensed radio or television station.
- A military base or military facility conducting research and development of military weapons systems, subsystems, components, or parts.
- A civilian defense industrial base conducting research and development of military weapons systems, subsystems, components, or parts.
- A dam¹⁸ or other water control structures such as locks, floodgates, or dikes that are designed to maintain or control the level of navigable waterways.

III. Effect of Proposed Changes:

The bill amends s. 784.07, F.S., to reclassify offenses that occur when a person knowingly commits an assault or battery against a utility worker while such utility worker is engaged in work on critical infrastructure, as defined in s. 812.141(1), F.S.

The offenses are reclassified as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony; and
- In the case of aggravated battery, from a second degree felony to a first degree felony.

¹⁵ Section 311.09, F.S.

¹⁶ Section 330.27, F.S.

¹⁷ Section 331.303, F.S.

¹⁸ Section 373.403(1)

The purpose of reclassifying these offenses is to increase the maximum sentence that may be imposed for an offense against a utility worker.

A “utility worker,” as defined by the bill is a person who bears at least one patch, emblem, organizational identification, or other clear marking that is intended to be plainly visible, that identifies the employing or contracting utility, and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution, or furnishing to or for the public, of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service.

The bill amends ss. 901.15, 943.051, 985.11, and 985.644, F.S., to make necessary conforming changes.

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 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 provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections (DOC). The EDR provides that while large numbers of offenders with specified assault and battery offenses come to prison each year with these offenses as a primary offense (389 new commitments in FY 23-24), it is unknown how large the utility worker victim pool is. The CJIC has heard bills with the same provisions in prior years and has found them to have an insignificant impact due to low volume.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.07, 901.15, 943.051, 985.11 and 985.644.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute revises the definition of utility worker, narrows the reclassification of assault or battery on a utility worker to only apply when a utility worker is engaged in work on critical infrastructure, and removes the offense severity ranking chart.

CS by Criminal Justice on March 25, 2025:

The committee substitute expands the definition of utility worker to include propane employees.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Truenow

591-02559-25

20251422c1

A bill to be entitled

An act relating to unmanned aircraft or unmanned aircraft systems; amending s. 330.41, F.S.; revising the definition of the term "critical infrastructure facility"; providing an exception to the prohibition on operating a drone over a critical infrastructure facility; increasing the criminal penalty for certain prohibited actions relating to drones; amending s. 330.411, F.S.; prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems; providing exceptions; providing criminal penalties; amending s. 934.50, F.S.; authorizing certain persons to use reasonable force to prohibit a drone from conducting surveillance under certain circumstances; revising and providing exceptions to certain prohibited actions relating to drones; providing criminal penalties; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (2) and paragraphs (a) and (b) of subsection (4) of section 330.41, Florida Statutes, are amended to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if

Page 1 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02559-25

20251422c1

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:

1. A power generation or transmission facility, substation, switching station, or electrical control center.
2. A chemical or rubber manufacturing or storage facility.
3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
4. A mining facility.
5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
6. A liquid natural gas or propane gas terminal or storage facility.
7. Any portion of an aboveground oil or gas pipeline.
8. A refinery.
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
10. A wireless or wired communications facility, including the tower, ~~antennas antennae~~, support structures, and all associated ground-based equipment.
11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.
12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
13. An airport as defined in s. 330.27.
14. A spaceport territory as defined in s. 331.303(19).

Page 2 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-02559-25

20251422c1

15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.

16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

17. A state correctional institution as defined in s. 944.02 or a contractor-operated correctional facility authorized under chapter 957.

18. A secure detention center or facility as defined in s. 985.03, or a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).

19. A county detention facility as defined in s. 951.23.

20. A critical infrastructure facility as defined in s. 692.201.

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(a) A person may not knowingly or willfully:

1. Operate a drone over a critical infrastructure facility, unless the operation is for a commercial purpose and is authorized by and in compliance with the Federal Aviation Administration regulations;

2. Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

3. Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

(b) A person who violates paragraph (a) commits a felony of the third ~~misdemeanor of the second~~ degree, punishable as

591-02559-25

20251422c1

provided in s. 775.082 or s. 775.083. ~~A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 2. Section 330.411, Florida Statutes, is amended to read:

330.411 Prohibited possession, alteration, or operation of unmanned aircraft or unmanned aircraft system.—

(1) A person may not knowingly or willfully possess or operate an unmanned aircraft or unmanned aircraft system as defined in s. 330.41(2) ~~s. 330.41~~ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001.

(2) A person may not knowingly or willfully alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the Federal Aviation Administration as they relate to any unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a), unless authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees.

(3) A person may not knowingly or willfully possess or operate an unmanned aircraft or unmanned aircraft system that has been altered, manipulated, tampered with, or otherwise changed to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the Federal Aviation Administration

591-02559-25

20251422c1

as they relate to any unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a), unless authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees.

(4) A person who violates subsection (1), subsection (2), or subsection (3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, as those terms are defined in s. 790.166(1), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (b) of subsection (3) and paragraph (d) of subsection (4) of section 934.50, Florida Statutes, are amended, and paragraph (r) of subsection (4) and subsection (8) are added to that section, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—

(b)1. A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable

591-02559-25

20251422c1

by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

2. A person who has a reasonable expectation of privacy on his or her privately owned real property may use reasonable force to prohibit a drone from conducting surveillance in violation of this paragraph, if such drone is operating under 500 feet over such property.

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(d) To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more or to provide or maintain the public safety of such crowd, provided that:

1. The law enforcement agency that uses the drone to provide an aerial perspective of a crowd of 50 people or more must have policies and procedures that include guidelines:

- a. For the agency's use of a drone.
- b. For the proper storage, retention, and release of any images or video captured by the drone.
- c. That address the personal safety and constitutional protections of the people being observed.

2. The head of the law enforcement agency using the drone for this purpose must provide written authorization for such use and must maintain a copy on file at the agency.

(r) By a law enforcement agency in furtherance of providing and maintaining the security of an elected official pursuant to s. 943.68.

(8) CRIMINAL PENALTIES.—

(a) An individual who knowingly or willfully violates

591-02559-25

20251422c1

175 paragraph (3) (b) commits a misdemeanor of the first degree,
176 punishable as provided in s. 775.082 or s. 775.083.
177 (b) An individual who knowingly or willfully violates
178 paragraph (3) (b) and intentionally distributes surveillance
179 obtained in violation of that paragraph commits a felony of the
180 third degree, punishable as provided in s. 775.082, s. 775.083,
181 or s. 775.084.

182
183 This subsection does not apply to a state agency, a political
184 subdivision, a law enforcement agency, or its officers,
185 employees, or agents.

186 Section 4. This act shall take effect October 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1422
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE			4/10/2025 Amendment 208498 ¹					
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
X		Osgood						
X		Polsky						
X		Rouson						
X		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
8	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

April 8, 2025

The Honorable Ileana Garcia
314 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Garcia

I would like to request CS/SB 1422 Unmanned Aircraft or Unmanned Aircraft Systems be placed on the next available Criminal Justice Appropriations Committee Meeting agenda.

This bill relates to unmanned aircraft or unmanned aircraft systems increasing the criminal penalty for certain prohibited actions relating to drones, prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems, providing criminal penalties, revising and providing exceptions to certain prohibited actions relating to drones.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Marti Harkness, Staff Director
Sheila Knowles, Administrative Assistant

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

SB1422

Bill Number or Topic

10 Apr 25

Meeting Date

Approp. on Criminal + Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Christopher Holton

Phone 504-234-8857

Address 2020 Pennsylvania Ave

Email holton@centerforsecuritypolicy.org

Street

Washington

DC

20006

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Center for Security Policy

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



208498

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete lines 94 - 129

and insert:

330.411 Prohibited possession, alteration, or operation of
unmanned aircraft or unmanned aircraft system.—

(1) As used in this section, the term:

(a) "Unmanned aircraft" has the same meaning as the term
"drone" in s. 934.50(2).

(b) "Unmanned aircraft system" has the same meaning as in



208498

11 s. 330.41(2).

12 (2) A person may not knowingly or willfully possess or
13 operate an unmanned aircraft or unmanned aircraft system as
14 defined in s. 330.41 with an attached weapon, firearm,
15 explosive, destructive device, or ammunition as those terms are
16 defined in s. 790.001.

17 (3)(a) For the purposes of s. 330.41(4)(a), a person may
18 not knowingly or willfully:

19 1. Alter, manipulate, tamper with, or otherwise change an
20 unmanned aircraft or unmanned aircraft system's hardware or
21 software to purposefully frustrate any tool, system, or
22 technology intended to satisfy the remote identification
23 requirements established by the Federal Aviation Administration
24 as they relate to an unmanned aircraft or unmanned aircraft
25 system; or

26 2. Possess or operate an unmanned aircraft or unmanned
27 aircraft system that has been altered, manipulated, tampered
28 with, or otherwise changed to purposefully frustrate any tool,
29 system, or technology intended to satisfy the remote
30 identification requirements established by the Federal Aviation
31 Administration as they relate to any unmanned aircraft or
32 unmanned aircraft system.

33 (b) This subsection does not apply if a person is
34 authorized by the administrator of the Federal Aviation
35 Administration or the Secretary of Defense, or their respective
36 designees, to alter, possess, or operate such an altered
37 unmanned aircraft or unmanned aircraft system.

38 (4) A person who violates subsection (2) or subsection (3)
39 commits a felony of the third degree, punishable as provided in



208498

s. 775.082, s. 775.083, or s. 775.084.

(5) A person who, without lawful authority, possesses or operates an unmanned aircraft or unmanned aircraft system carrying a "weapon of mass destruction" or a "hoax weapon of mass destruction," as those terms are defined in s. 790.166(1), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

And the title is amended as follows:

Delete lines 9 - 11

and insert:

330.411, F.S.; defining the terms "unmanned aircraft" and "unmanned aircraft system"; prohibiting certain actions relating to unmanned aircraft and unmanned aircraft systems; providing an exception; providing criminal penalties;

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1422

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee and Senator Truenow

SUBJECT: Unmanned Aircraft or Unmanned Aircraft Systems

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1422 amends three sections of law relating to drones. The bill amends 330.41, F.S., to increase the criminal penalties from a second degree misdemeanor¹ to a third degree felony² if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities. The bill also permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.

The bill amends s. 330.411, F.S., to specify it is a third degree felony for a person to knowingly or willfully:

- Possess or operate a weaponized drone;

¹ A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss. 775.02 and 775.083, F.S.

² A third degree felony is punishable by up to 5 year imprisonment and a \$5,000 fine. ss. 775.02 and 775.083, F.S.

- Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software for certain purposes; or
- Possess or operate such an altered unmanned aircraft or unmanned aircraft system.

A person who possesses or operates a drone that carries a weapon of mass destruction, or a hoax weapon of mass destruction, commits a first degree felony.³

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. Additionally, the bill makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

The bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating under 500 ft. over the property.

Additionally, a law enforcement agency may use a drone to provide or maintain the public safety of a crowd of 50 people or more, and in furtherance of providing and maintaining the security of an elected official.

The bill may have a positive insignificant impact on state prison beds (an increase of 10 or fewer beds). See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.⁴

Small drones are regulated by the Federal Aviation Authority (FAA) and federal regulations such as in 14 CFR 107.51(b)(2) which contain the following operating limitations for small drones:

- The minimum flight visibility, as observed from the location of the control station must be no less than 3 statute miles.
- The minimum distance of the small unmanned aircraft from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.
- The groundspeed of the small unmanned aircraft may not exceed 87 knots (100 miles per hour).

³ A first degree felony is punishable by up to 30 years to life imprisonment and a \$15,000 fine. ss. 775.02 and 775.083, F.S.

⁴ Section 934.50(2), F.S.

- The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:
 - Is flown within a 400-foot radius of a structure; and
 - Does not fly higher than 400 feet above the structure's immediate uppermost limit.⁵

The FAA has recently adopted a rule for drone operators relating to remote identification which is the capability of an unmanned aircraft in flight to provide certain identification, location, and performance information that people on the ground and other airspace users can receive.⁶

The FAA expects this rule will result in several important benefits and enhancements to support safety and security in the airspace of the United States. Remote identification provides information that helps address existing challenges faced by the FAA, law enforcement entities, and national security agencies responsible for the safety and security of the airspace of the United States. As unmanned aircraft operations increase, so does the risk of unmanned aircraft being operated in close proximity to manned aircraft, or people and property on the ground, or in airspace unsuitable for these operations.

Remote identification provides a means to identify these aircraft and locate the person who controls them (e.g., operators, pilots in command). It allows the FAA, law enforcement, and national security agencies to distinguish compliant airspace users from those potentially posing a safety or security risk. It permits the FAA and law enforcement to conduct oversight of persons operating UAS and to determine whether compliance actions, enforcement, educational, training, or other types of actions are needed to mitigate safety or security risks and foster increased compliance with regulations. Remote identification data also informs the public and users of the airspace of the United States of the local operations that are being conducted at any given moment.⁷

Drones and Surveillance

The Freedom from Unwanted Surveillance Act is found in s. 934.50, F.S. The Act provides citizens' privacy from non-law enforcement and law enforcement drone information-seeking surveillance over private property.⁸

Section 934.50, F.S., prohibits a state agency, political subdivision,⁹ or non-law enforcement person from using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy without his or her written consent.¹⁰ For purposes of this section, surveillance means:

⁵ 14 CFR Part 107, (last visited March 11, 2025).

⁶ Federal Register, Department of Transportation, Vol. 86, No. 10 (January 15, 2021), Rules and Regulations 4405 14 CFR Parts 1, 11, 47, 48, 89, 91, and 107. (last visited March 18, 2025).

⁷ *Id.*

⁸ Section 934.50(3)(a), F.S.

⁹ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village. s.11.45, (1)(k) F.S.

¹⁰ Section 934.50(3)(b), F.S.

- With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or
- With respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.¹¹

Section 934.50(4)(a)-(q), F.S., provides exceptions for law enforcement, government agency, and commercial uses for drones.¹² A few of these other authorized uses for drones in s. 934.50, F.S. include:

- To counter a high risk of a terrorist attack;¹³
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more under certain circumstances;¹⁴
- For the assessment of damage due to a flood, wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration;¹⁵
- To capture images by or for an electric, water, or natural gas utility under certain circumstances;¹⁶ and
- By an employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.¹⁷

There are no criminal penalties associated with this section, however civil remedies are specifically provided in s. 934.50(5), F.S. Also, evidence obtained or collected in violation of this act is not admissible as evidence in a criminal prosecution in any court of law in this state.¹⁸

Protecting Critical Infrastructure and Schools from Unwelcome Drone Encroachment

The Unmanned Aircraft Systems Act defines an “unmanned aircraft system” as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently.¹⁹ The focus of the act is the safety of critical infrastructure,²⁰ protection of schools,²¹ drone delivery services,²² and drone ports.²³

“Critical infrastructure facility” is defined in s. 330.41(2)(a)1.-20, F.S., to include, in part:

¹¹ Section 934.50(2)(e), F.S.

¹² Section 934.50(4)(a), F.S.

¹³ Section 934.50(4)(a), F.S.

¹⁴ Section 934.50(4)(d), F.S.

¹⁵ Section 934.50(4)(g)1., F.S.

¹⁶ Section 934.50(4)(k), F.S.

¹⁷ Section 934.50(4)(p), F.S.

¹⁸ Section 934.50(6), F.S.

¹⁹ Section 330.41(2)(e), F.S.

²⁰ Section 330.41(2)(a)1.-20., F.S.

²¹ Section 330.41(5), F.S.

²² Section 330.41(2)(c), F.S.

²³ Section 330.41(2)(d), F.S.

- A power generation or transmission facility, substation, switching station, or electrical control center;
- Any portion of an aboveground oil or gas pipeline;
- A state correctional institution as defined in s. 944.02, F.S., or a contractor-operated correctional facility authorized under ch. 957, F.S.; and
- A county detention facility as defined in s. 951.23, F.S.²⁴

It is a second degree misdemeanor²⁵ for a first offense and a first degree misdemeanor²⁶ for a second offense if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.²⁷

Additionally, a person may not knowingly or willfully:

- Operate a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allow a drone to make contact with a school, including any person or object on the premises of or within the school facility.²⁸

A person who commits either of the offenses listed above commits a misdemeanor of the second degree. A second or subsequent violation is a first degree misdemeanor offense. However, if a person commits either of the two offenses above and records video of the school, including any person or object on the premises of or within the school facility, it is a misdemeanor of the first degree, and a second or subsequent offense is a felony of the third degree.²⁹

Armed Drones

Section 330.411, F.S. prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S.,³⁰ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S. The terms mean:

- “Ammunition” means an object consisting of a fixed metallic or nonmetallic hull or casing containing a primer; one or more projectiles, one or more bullets, or shot; and gunpowder.³¹
- “Destructive device” means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is

²⁴ Section 330.41(4)(a), F.S.

²⁵ A second degree misdemeanor is punishable by up to 60 days in the county jail and \$500 fine. ss. 775.082 and 775.083, F.S.

²⁶ A first degree misdemeanor is punishable by up to one year in the county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

²⁷ Section 330.41(a), F.S.

²⁸ Section 330.41(5), F.S.

²⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

³⁰ Section 330.411, F.S.

³¹ Sections 790.001 (1), (6), (8), (9), and (20), F.S.

designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. “Destructive device” does not include: a device which is not designed, redesigned, used, or intended for use as a weapon; any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device; any shotgun other than a short-barreled shotgun; or any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.³²

- “Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including: shotgun shells, cartridges, or ammunition for firearms; fireworks as defined in s. 791.01, F.S.; smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241, F.S.; black powder in quantities not to exceed that authorized by ch. 552, F.S., or by any rules adopted by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.³³
- “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.³⁴
- “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.³⁵

Section 330.411, F.S., contains no criminal penalties attached to a person’s prohibited possession of an armed drone.

III. Effect of Proposed Changes:

The bill amends the criminal penalties in s. 330.41(4), F.S., by increasing the second degree misdemeanor penalty to a third degree felony for a person to knowingly and willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

³² Section 790.001(6), F.S.

³³ Section 790.001(8), F.S.

³⁴ Section 790.001(9), F.S.

³⁵ Section 790.001(20), F.S.

- Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.³⁶

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S., to include “wired” communication facilities. The bill amends s. 330.41(4)(a)1., F.S., to provide that a person can operate a drone over a critical infrastructure facility if the operation is for a commercial purpose and is authorized by and in compliance with the FFA regulations.

The bill amends s. 330.411(1), F.S., to incorporate the definitions of the terms “unmanned aircraft”³⁷ and “unmanned aircraft system.”³⁸

The bill amends s. 330.411(2), F.S., to specify that it is a third degree felony when a person knowingly or willfully possesses or operates a drone with an attached firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.

The bill creates two new third degree felony offenses in s. 330.411(3) F.S., applicable to the protection of critical infrastructure.³⁹ The new felonies are related to the FFA remote identification requirements.

A person is prohibited from knowingly or willfully altering, manipulating, tampering with, or otherwise changing an unmanned aircraft or unmanned aircraft system’s hardware or software to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, in violation of s. 330.41(4)(a), F.S., unless authorized.⁴⁰

A person is also prohibited from knowingly or willfully possessing or operating such an altered, manipulated, tampered with, or otherwise changed to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, and violating s. 330.41(4)(a), F.S., unless authorized.⁴¹

Additionally, the bill provides that a person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction or a hoax weapon of mass destruction, as those terms are defined in s. 790.166(1), F.S., commits a first degree felony.

³⁶ Section 330.41(4)(a)1.-3, F.S.

³⁷ “Unmanned aircraft” has the same meaning as the term “drone” in s. 934.50, F.S. “Drone” means a powered aerial vehicle that: does not carry a human operator; uses aerodynamic forces to provide vehicle lift; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload. s. 934.50(2)(a), F.S.

³⁸ “Unmanned aircraft system” means a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. s. 330.41(2)(e), F.S.

³⁹ Section 330.41(4), F.S.

⁴⁰ The bill specifies that authority can come from the administrator of the FAA or the Secretary of Defense or their respective designees.

⁴¹ *Id.*

The bill amends s. 934.50(4)(d), F.S., providing that law enforcement is not prohibited from using a drone to provide or maintain the public safety of a crowd of 50 people or more.

The bill also amends s. 934.50(4), F.S., to provide that a law enforcement agency may use a drone in furtherance of providing and maintaining the security of an elected official.⁴²

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. The bill also creates a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes the surveillance.

Finally, the bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.

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.

⁴² See Section 943.68, F.S., for a description of security or transportation provided by the Florida Department of Law Enforcement to the Governor and others.

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 provided a preliminary estimate that the bill may have a positive insignificant prison bed impact (an increase of 10 or fewer beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the FDLE, there were no arrests, nor were there guilty/convicted charges or adjudication withheld charges under s. 330.41, F.S. or 330.411, F.S. Though it is not known what kind of offender pool exists under the other newly created felonies, the lack of misdemeanor offender data and the majority of the new felonies being Level 1, third degree felonies indicate an insignificant impact on prison beds.
- Per the DOC, in FY 23-24, the incarceration rate for a Level 1, third degree felony was 9.7 percent. The incarceration rate for a Level 7, 1st degree felony was 68.4 percent.⁴³

VI. Technical Deficiencies:

The provision in s. 934.50, F.S., permitting a person who has a reasonable expectation of privacy on his or her private property to use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating *under 500 ft. over the property*. This appears to conflict with a small drone's altitude limitations. The altitude of the small unmanned aircraft *cannot be higher than 400 feet above ground level*.⁴⁴

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41, 330.411 and 934.50.

⁴³ Office of Economic and Demographic Research, SB 1422 – Unmanned Aircraft and Unmanned Aircraft Systems, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

⁴⁴ 14 CFR Part 107, (last visited March 11, 2025).

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Appropriations Committee on Criminal and Civil Justice on April 9, 2025: The CS:**

- Incorporates the definitions of the terms “unmanned aircraft”⁴⁵ and “unmanned aircraft system” in s. 330.411(1), F.S.
- Reorganizes s. 330.411, F.S., without substantial changes.
- Clarifies that the new third degree felony offenses in s. 330.411(3) F.S., are applicable to the protection of critical infrastructure.

CS by Criminal Justice on March 18, 2025: The CS:

- Adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities.
- Permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.
- Specifies in s. 330.411, F.S., that it is a third degree felony for a person to knowingly or willfully possess or operate a weaponized drone.
- Creates a third degree felony in s. 330.411, F.S., if a person knowingly or willfully tampers with or alters a drone in violation of s. 330.41(4)(a), F.S., to purposefully frustrate technology intended to satisfy the Federal Aviation Administration remote identification system;
- Creates a third degree felony in s. 330.411, F.S., if a person possesses or operates such an altered unmanned aircraft or unmanned aircraft system in violation of s. 330.41(4)(a), F.S.
- Permits a person, in s. 934.50(3), who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.
- Creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy.
- Makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

B. Amendments:

None.

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

⁴⁵ “Unmanned aircraft” has the same meaning as the term “drone” in s. 934.50, F.S. “Drone”, as defined in s. 934.50(2)(a), F.S., means a powered aerial vehicle that: does not carry a human operator; uses aerodynamic forces to provide vehicle lift; can fly autonomously or be piloted remotely; can be expendable or recoverable; and can carry a lethal or nonlethal payload.

By the Committee on Judiciary; and Senator Grall

590-02604-25

20251650c1

A bill to be entitled

An act relating to vexatious litigants; amending s. 68.093, F.S.; revising definitions; expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; revising sanctions and remedies for vexatious litigation; prohibiting clerks of the court from accepting certain filings from a vexatious litigant; specifying the duration of an automatic stay imposed against vexatious litigation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 68.093, Florida Statutes, is amended to read:

68.093 Florida Vexatious Litigant Law.—

(1) This section may be cited as the "Florida Vexatious Litigant Law."

(2) As used in section, the term:

(a) "Action" means an a-civil action:

1. Governed by the Florida Family Law Rules of Procedure, the Florida Rules of Civil Procedure, rule 5.025 of and proceedings governed by the Florida Probate Rules, the Florida Small Claims Rules; or

2. In another state court or federal court governed by rules of procedure that are comparable to the rules of procedure specified in subparagraph 1 but does not include actions concerning family law matters governed by the Florida Family Law

590-02604-25

20251650c1

~~Rules of Procedure or any action in which the Florida Small Claims Rules apply.~~

~~(b) "Defendant" means any person or entity, including a corporation, association, partnership, firm, or governmental entity, against whom an action is or was commenced or is sought to be commenced.~~

~~(b)(e)~~ "Security" means an undertaking by a vexatious litigant to ensure payment to a party defendant in an amount reasonably sufficient to cover the party's defendant's anticipated, reasonable expenses of litigation, including attorney attorney's fees and taxable costs.

~~(c)(d)~~ "Vexatious litigant" means a person, as defined in s. 1.01(3), proceeding pro se, who:

1. A person as defined in s. 1.01(3) who, In the immediately preceding 7-year 5-year period, has commenced, prosecuted, or maintained, pro se, three five or more civil actions in any court that in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person, except that an action may not be included for purposes of this subparagraph if the court finds that the action was commenced, prosecuted, or maintained in good faith; or entity; or
2. After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either the validity of the determination against the same party as to whom the action was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party as to whom the action was

590-02604-25

20251650c1

59 finally determined;

60 3. Repeatedly files pleadings, requests for relief, or
 61 other documents that have been the subject of previous rulings
 62 by the court in the same action;

63 4. Repeatedly files unmeritorious pleadings, requests for
 64 relief, or other documents; conducts unnecessary discovery; or
 65 engages in other tactics that are frivolous or solely intended
 66 to cause unnecessary delay in any action; or

67 5.2- Has been Any person or entity previously found to be a
 68 vexatious litigant pursuant to this section or by another state
 69 court or a federal court.

70
 71 An action is not deemed to be "finally and adversely determined"
 72 if an appeal in that action is pending. ~~If an action has been~~
 73 ~~commenced on behalf of a party by an attorney licensed to~~
 74 ~~practice law in this state, that action is not deemed to be pro~~
 75 ~~se even if the attorney later withdraws from the representation~~
 76 ~~and the party does not retain new counsel.~~

77 (3) (a) In any action pending in any court of this state,
 78 ~~including actions governed by the Florida Small Claims Rules,~~
 79 any party defendant may move the court, upon notice and hearing,
 80 for an order requiring an opposing party the plaintiff to
 81 furnish security. The motion shall be based on the grounds, and
 82 supported by a showing, that the opposing party subject to the
 83 motion plaintiff is a vexatious litigant and is not reasonably
 84 likely to prevail on the merits of the action against the moving
 85 party defendant.

86 (b) At the hearing ~~upon any defendant's motion~~ for an order
 87 to post security, the court shall consider any evidence, written

590-02604-25

20251650c1

88 or oral, by witness or affidavit, which may be relevant to the
 89 consideration of the motion. No determination made by the court
 90 in such a hearing shall be admissible on the merits of the
 91 action or deemed to be a determination of any issue in the
 92 action. If, after hearing the evidence, the court determines
 93 that the opposing party subject to the motion plaintiff is a
 94 vexatious litigant and is not reasonably likely to prevail on
 95 the merits of the action against the moving party defendant, the
 96 court shall order the vexatious litigant plaintiff to furnish
 97 security to the moving party defendant in an amount and within
 98 such time as the court deems appropriate.

99 (c) If the vexatious litigant plaintiff fails to post
 100 security required by an order of the court under this section
 101 and the vexatious litigant is:-

102 1. A plaintiff or petitioner, the court shall immediately
 103 issue an order dismissing the action with prejudice as to the
 104 moving party defendant for whose benefit the security was
 105 ordered; or

106 2. A defendant or respondent, the court may immediately
 107 issue an order imposing one or more of the following sanctions,
 108 as appropriate:

109 a. Denial of the vexatious litigant's request for relief;
 110 b. Striking of the vexatious litigant's pleading or other
 111 document or part thereof; or

112 c. Rendition of a judgment by default against the vexatious
 113 litigant.

114 (d) If ~~the a~~ motion for an order to post security is filed
 115 before prior to the trial in an action, the action shall be
 116 automatically stayed and the moving party defendant need not

590-02604-25

20251650c1

117 plead or otherwise respond to the vexatious litigant's
 118 complaint, pleading, request for relief, or other document until
 119 10 days after the motion for an order to post security is
 120 denied. If the motion for an order to post security is granted,
 121 the moving party defendant shall respond or plead no later than
 122 10 days after the required security has been furnished.

123 (4) In addition to any other relief provided in this
 124 section, the court in any judicial circuit may, on its own
 125 motion or on the motion of any party, enter a prefiling order
 126 prohibiting a vexatious litigant from commencing, pro se, any
 127 new action in the courts of that circuit or from filing, pro se,
 128 any pleading, request for relief, or other document in an action
 129 in the courts of that circuit without first obtaining leave of
 130 the court administrative judge of that circuit. Disobedience of
 131 such an order may be punished as contempt of court by the
 132 administrative judge of that circuit. Leave of court shall be
 133 granted by the court administrative judge only upon a showing
 134 that the proposed action, pleading, request for relief, or other
 135 document is meritorious and is not being filed for the purpose
 136 of delay or harassment. The court administrative judge may
 137 condition the filing of the proposed action, pleading, request
 138 for relief, or other document upon the furnishing of security as
 139 provided in this section.

140 (5) The clerk of the court may shall not file any new
 141 action or any pleading, request for relief, or other document in
 142 an action on behalf of a pro se by a vexatious litigant against
 143 whom a prefiling order has been entered pro-se unless the
 144 vexatious litigant has obtained an order from the court allowing
 145 administrative judge permitting such filing. If the clerk of the

590-02604-25

20251650c1

146 court mistakenly allows a pro se permits a vexatious litigant to
 147 file any new an action or any pleading, request for relief, or
 148 other document in an action pro-se in contravention of a
 149 prefiling order, any party to that action may file with the
 150 clerk and serve on the vexatious litigant plaintiff and all
 151 other parties defendants a notice stating that the plaintiff is
 152 a pro-se vexatious litigant is subject to a prefiling order. The
 153 filing of such a notice shall automatically stay the litigation
 154 against all parties defendants to the action. The court
 155 administrative judge shall automatically dismiss the action or
 156 deny the pleading, request for relief, or other document filed
 157 by the vexatious litigant in an action with prejudice within 10
 158 days after the filing of such notice unless the vexatious
 159 litigant plaintiff files a motion for leave to file the new
 160 action or the pleading, request for relief, or other document.
 161 If the court administrative judge issues an order granting
 162 leave, the pleadings, or other responses permitting the action
 163 to be filed, the defendants need not plead or otherwise respond
 164 to the complaint or the pleading, request for relief, or other
 165 document need not be filed until 10 days after the date of
 166 service by the vexatious litigant plaintiff, by United States
 167 mail, of a copy of the order granting leave to file the action.

168 (6) The clerk of a court shall provide copies of all
 169 prefiling orders to the Clerk of the Florida Supreme Court, who
 170 shall maintain a registry of all vexatious litigants.

171 (7) An automatic stay imposed under this section remains in
 172 effect until the court:

173 (a) In its discretion, vacates the stay;

174 (b) Rules, as applicable, on the motion for an order to

590-02604-25

20251650c1

175 post security under paragraph (3)(d) or the motion for leave
176 under subsection (5); or

177 (c) Dismisses the action or denies the pleading, request
178 for relief, or other document under subsection (5).

179 (8)(7) The relief provided under this section shall be
180 cumulative to any other relief or remedy available ~~to a~~
181 ~~defendant~~ under the laws of this state or the rules of court and
182 ~~the Florida Rules of Civil Procedure~~, including, but not limited
183 to, the relief provided under s. 57.105.

184 Section 2. This act shall take effect July 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1650
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #1650**, relating to Vexatious Litigants, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ERIN GRALL

29th District

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Agriculture, *Vice Chair*
Appropriations
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation, Tourism,
and Economic Development
Ethics and Elections
Governmental Oversight and Accountability

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:

Joint Administrative Procedures Committee,
Alternating Chair

April 9, 2025

Dear Chair Garcia,

Please accept this letter as notification that Senator Yarborough will be presenting SB 1650, Vexatious Litigants and SB 1652, Public Records/ Pleading, Request for Relief, or Other Document Stricken by a Court, in the Appropriations Committee on Criminal and Civil Justice on Thursday, April 10, 2025.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Erin Grall

REPLY TO:

- ☐ 3209 Virginia Avenue, Suite A149, Fort Pierce, Florida 34981 (772) 595-1398
- ☐ 1069 U.S. Highway 27 North, Lake Placid, Florida 33852 (863) 699-1080
- ☐ 316 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

4/10/25

Meeting Date

Approp. Comm. on Criminal and Civil Justice

Committee

Name **Ms. Tashiba L. Robinson**

Phone **850-922-5692**

Address **Office of the State Courts Administrator, 500 S. Duval Street**

Street

Tallahassee

City

FL

State

32399

Zip

Email **robinsont@flcourts.org**

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1650

Bill Number or Topic

558644

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

State Courts System

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/25

Meeting Date

Approp. Comm. on Criminal and Civil Justice

Committee

Name **Ms. Tashiba L. Robinson**

Phone **850-922-5692**

Address **Office of the State Courts Administrator, 500 S. Duval Street**

Email **robinsont@flcourts.org**

Street

Tallahassee

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

State Courts System

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 1650

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting



558644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (7) of section 68.093,
Florida Statutes, is redesignated as subsection (8) and amended,
a new subsection (7) is added to that section, and subsections
(2) through (5) of that section are amended, to read:

68.093 Florida Vexatious Litigant Law.—

(2) As used in this section, the term:



558644

(a) "Action" means an a-civil action:

1. Governed by the Florida Rules of Civil Procedure, rule 5.025 of and proceedings governed by the Florida Probate Rules, or the Florida Small Claims Rules, but does not include actions concerning family law matters governed by the Florida Family Law Rules of Procedure; or

2. In another state court or federal court governed by rules of procedure comparable to the rules of procedure specified in subparagraph 1. or any action in which the Florida Small Claims Rules apply.

~~(b) "Defendant" means any person or entity, including a corporation, association, partnership, firm, or governmental entity, against whom an action is or was commenced or is sought to be commenced.~~

~~(c)~~ "Security" means an undertaking by a vexatious litigant to ensure payment to a party defendant in an amount reasonably sufficient to cover the party's defendant's anticipated, reasonable expenses of litigation, including attorney attorney's fees and taxable costs.

~~(c)(d)~~ "Vexatious litigant" means a person, as defined in s. 1.01(3), proceeding pro se, who:

1. A person as defined in s. 1.01(3) who, In the immediately preceding 7-year 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court which in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person, except an action may not be included for purposes of this subparagraph if the court finds that the action was commenced, prosecuted, or maintained



558644

in good faith ~~or entity; or~~

2. After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either:

a. The validity of the determination against the same party in an action that was finally determined; or

b. The cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party in an action that was finally determined;

3. Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action;

4. Repeatedly files unmeritorious pleadings, requests for relief, or other documents;

5. Repeatedly conducts unnecessary discovery;

6. Repeatedly engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action; or

7.2. Has been Any person or entity previously found to be a vexatious litigant pursuant to this section or by another state court or a federal court.

An action is not deemed to be “finally and adversely determined” if an appeal in that action is pending. ~~If an action has been commenced on behalf of a party by an attorney licensed to practice law in this state, that action is not deemed to be pre-~~
~~se even if the attorney later withdraws from the representation and the party does not retain new counsel.~~

(3) (a) In any action pending in any court of this state,



558644

69 ~~including actions governed by the Florida Small Claims Rules,~~
70 any party defendant may move the court, upon notice and hearing,
71 for an order requiring an opposing party ~~the plaintiff~~ to
72 furnish security. The motion must ~~shall~~ be based on the grounds,
73 and supported by a showing, that the opposing party subject to
74 the motion ~~plaintiff~~ is a vexatious litigant and is not
75 reasonably likely to prevail on the merits of the action against
76 the moving party defendant.

77 (b) At the hearing ~~upon any defendant's motion~~ for an order
78 to post security, the court shall consider any evidence, written
79 or oral, by witness or affidavit, which may be relevant to the
80 consideration of the motion. A ~~No~~ determination made by the
81 court in such a hearing is not ~~shall be~~ admissible on the merits
82 of the action nor ~~or~~ deemed to be a determination of any issue
83 in the action. If, after hearing the evidence, the court
84 determines that the opposing party subject to the motion
85 ~~plaintiff~~ is a vexatious litigant and is not reasonably likely
86 to prevail on the merits of the action against the moving party
87 ~~defendant~~, the court must ~~shall~~ order the vexatious litigant
88 ~~plaintiff~~ to furnish security to the moving party defendant in
89 an amount and within such time as the court deems appropriate.

90 (c) If the vexatious litigant ~~plaintiff~~ fails to post
91 security required by an order of the court under this section
92 and the vexatious litigant is:

93 1. A plaintiff or petitioner, the court must ~~shall~~
94 immediately issue an order dismissing the action with prejudice
95 as to the moving party ~~defendant~~ for whose benefit the security
96 was ordered; or

97 2. A defendant or respondent, the court may immediately



558644

issue an order imposing one or more of the following sanctions,
as appropriate:

- a. Denial of the vexatious litigant's request for relief;
- b. Striking of the vexatious litigant's pleading or other document or part thereof; or
- c. Rendition of a judgment by default against the vexatious litigant.

(d) If the ~~a~~ motion for an order to post security is filed before ~~prior to~~ the trial in an action, the action is ~~shall be~~ automatically stayed and the moving party ~~defendant~~ need not plead or otherwise respond to the vexatious litigant's complaint, pleading, request for relief, or other document until 10 days after the motion for an order to post security is denied. If the motion for an order to post security is granted, the moving party ~~must~~ ~~defendant shall~~ respond or plead no later than 10 days after the required security has been furnished.

(4) In addition to any other relief provided in this section, the court in any judicial circuit may, on its own motion or on the motion of any party, enter a prefiling order prohibiting a vexatious litigant from commencing, pro se, any new action in the courts of that circuit without first obtaining leave of the court ~~administrative judge of that circuit~~. Disobedience of such an order may be punished as contempt of court ~~by the administrative judge of that circuit~~. Leave of court shall be granted by the court ~~administrative judge~~ only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment. The court ~~administrative judge~~ may condition the filing of the proposed action upon the furnishing of security as provided in



558644

this section.

(5) The clerk of the court may ~~shall~~ not file any new action by a pro se vexatious litigant against whom a prefiling order has been entered ~~pro-se~~ unless the vexatious litigant has obtained an order from the court allowing ~~administrative judge permitting~~ such filing. If the clerk of the court mistakenly allows a pro se ~~permits a~~ vexatious litigant to file any new an action ~~pro-se~~ in contravention of a prefiling order, any party to that action may file with the clerk and serve on the vexatious litigant plaintiff and all other parties ~~defendants~~ a notice stating that the ~~plaintiff is a pro-se~~ vexatious litigant is subject to a prefiling order. The filing of such a notice ~~shall~~ automatically stays ~~stay~~ the litigation against all parties ~~defendants~~ to the action. The court ~~administrative judge~~ shall automatically dismiss the action with prejudice within 10 days after the filing of such notice unless the vexatious litigant plaintiff files a motion for leave to file the new action. If the court ~~administrative judge~~ issues an order granting leave, the pleadings or other responses ~~permitting the action to be filed, the defendants need not plead or otherwise respond~~ to the complaint need not be filed until 10 days after the date of service by the vexatious litigant plaintiff, ~~by United States mail,~~ of a copy of the order granting leave ~~to file the action.~~

(7) An automatic stay imposed under this section remains in effect until the court:

(a) In its discretion, vacates the stay;

(b) Rules, as applicable, on the motion for an order to post security under paragraph (3) (d) or the motion for leave



558644

under subsection (5); or

(c) Dismisses the action under subsection (5).

(8)~~(7)~~ The relief provided under this section is ~~shall be~~
cumulative to any other relief or remedy available ~~to a~~
~~defendant~~ under the laws of this state or the rules of court and
~~the Florida Rules of Civil Procedure~~, including, but not limited
to, the relief provided under s. 57.105.

Section 2. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to vexatious litigants; amending s.
68.093, F.S.; revising definitions; expanding actions
subject to the Florida Vexatious Litigant Law;
revising eligibility for designation as a vexatious
litigant; revising sanctions and remedies for
vexatious litigation; prohibiting clerks of the court
from accepting certain filings from a vexatious
litigant; specifying the duration of an automatic stay
imposed against vexatious litigation; providing an
effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1650

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senator Grall and others

SUBJECT: Vexatious Litigants

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1650 amends the Florida Vexatious Litigant Law, following suggestions from a workgroup appointed by the Supreme Court to examine the law. A vexatious litigant is one who files pro se meritless actions for the purpose of abusing or harassing the other party. Once found to be a vexatious litigant, a person is barred from filing pro se civil actions without court permission and the posting of security.

The bill expands the scope of the law to apply to small claim cases, counts other instances where a person was found to be a vexatious litigant in another state or in federal court, lowers the threshold of adverse rulings that qualify one as a vexatious litigant from five cases in the past 5 years to a threshold of five cases in the past 7 years, allows a court to find that an individual qualifies as a vexatious litigant based on behavior in a single case, and clarifies that an individual found to be a vexatious litigant is prohibited from pro se filing of a new civil case.. The bill also clarifies language and structure, including removing the terms “plaintiff” and “defendant” with more accurate references to “party.”

The bill may have a negative impact on filing fee revenue due to a decrease in the number of case filings and may increase workload for the clerks of court. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Background

The term “vexatious” generally means annoying, bothersome or irritating. In the legal context, a vexatious litigant is someone who files lawsuits or pleadings in legal actions which have little chance of succeeding but are intended to annoy someone or cause problems for them.¹ The problem with vexatious litigants is described as follows:

Vexatious conduct by litigants impedes the court system’s ability to timely and justly process cases. This conduct can take many forms. Common examples include: (1) filing multiple meritless lawsuits; (2) attempting to relitigate matters already decided by the court; and (3) submitting documents with harassing, scandalous, or sham material to the court.²

Current Law on Vexatious Litigants

A court has always had the inherent authority to sanction litigants and others appearing before the court for vexatious, bad faith, or oppressive conduct.³ The 2000 Legislature enacted the first law to address the issue of vexatious litigants at s. 68.093, F.S. A vexatious litigant is defined as:

A person . . . who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity; or any person or entity previously found to be a vexatious litigant.⁴

If a person has been found to be a vexatious litigant, a defendant in any action involving the vexatious litigant may ask the court to order the vexatious litigant to post security before commencing.⁵ If the court finds that person is a vexatious litigant and that the person is unlikely to prevail in the action, the court may order the vexatious litigant to post security before proceeding. The amount and form of security is not specified. The apparent purpose of security is to have a fund from which the defendant can collect attorney fees and costs should the defendant ultimately prevail in defeating the vexatious litigation or motion and the defendant then prevail on a motion for attorney fees and costs related to the litigation or motion.⁶ If the security is not timely posted, the court must dismiss the action with prejudice.

The court may also enter an order prohibiting a vexatious litigant from commencing any new pro se action without permission. A vexatious litigant subject to this order must ask the

¹ Cambridge English Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/vexatious>.

² Workgroup on Vexatious Litigants, *Final Report and Recommendations*, September 6, 2024, at page 11.

³ *Final Report*, at 13.

⁴ Section 68.093(2)(d), F.S.

⁵ Section 68.093(3), F.S.

⁶ In some lawsuits a party may have statutory or contractual right to attorney fees. Attorney fees may also be awarded in civil actions for filing or prosecuting a claim that is without merit. Section 57.105, F.S.

administrative judge of that circuit for permission to file an action. The vexatious litigant must show that the proposed action is meritorious and is not being filed for the purpose of delay or harassment.⁷ The court may require the posting of security. The clerk of the court must refuse to file a lawsuit from a vexatious litigant absent permission of the administrative judge.⁸ The clerk of court must forward a copy of an order finding a person to be a vexatious litigant to the Supreme Court, where a statewide list of vexatious litigants is kept.⁹ Currently, there are 233 entries on the list representing 116 individuals.¹⁰ The Workgroup speculates that there are many more persons who qualify for and should be on the list.¹¹

The Florida Vexatious Litigant Law has not been amended since passage in 2000.

Other statutes address vexatious behavior, notably s. 57.105, F.S., which authorizes a court to award attorney fees and costs to the prevailing party on certain unsupported claims or defenses. If the nonprevailing party was represented, the sanction generally must be paid in equal parts by the losing party and the losing party's attorney.

Perceived Concerns Regarding Current Law

In 2024, the Florida Supreme Court created the Workgroup on Vexatious Litigants. The charge was "to enhance the effectiveness of Florida's Vexatious Litigant Law and to address issues related to the public disclosure of harmful and defamatory content in noncriminal court filings."¹²

The Workgroup found that the current law does not adequately address the harm from vexatious litigation. This harm is not limited to the harm done to defendants who are dragged into the fray. In a recent survey, 18.2% of circuit court judges and 14% of county court judges estimated that dealing with improper litigation consumed more than 10% of their judicial workload.¹³ Only 27% of trial court judges found the current Vexatious Litigant Law effective in addressing improper litigation.¹⁴ The Workgroup suggests that the law "should be expanded to cover a wider range of improper conduct."¹⁵

The Workgroup also recommends that certain court pleadings of a vexatious nature be shielded from public inspection. The recommendation related to public records is reflected in a separate bill.

⁷ Section 68.093(4), F.S.

⁸ Section 68.093(5), F.S.

⁹ Section 68.093(6), F.S.

¹⁰ Vexatious Litigants list dated March 6, 2025. Link to list at: <https://supremecourt.flcourts.gov/About-the-Court/Departments-of-the-Court/Clerk-s-Office>. One individual has 11 findings that he is a vexatious litigant.

¹¹ *Final Report*, at 18.

¹² *Final Report* at 4.

¹³ *Id.* at 11-12.

¹⁴ *Id.* at 13.

¹⁵ *Id.* at 23.

III. Effect of Proposed Changes:

The bill amends and expands the Florida Vexatious Litigant Law to reflect some of the suggestions of the Florida Supreme Court Workgroup.

The test for categorization of one as a vexatious litigant is a formula based on the number of previous adverse rulings of limited types over a limited period of time. The bill expands the definitions of “action” and “vexatious litigant” to:

- Expand the types of actions that apply to include small claims litigation.¹⁶
- Expand the court jurisdictions in which a case filing will apply the formula to include federal courts and courts of other states, where those courts have heard civil matters of a type that would qualify if filed in a Florida court.
-
- Expand the look-back period from 5 years to 7 years.
- Remove references to “plaintiff” and “defendant” to more accurately refer to “party.”
- Provide that actions by a pro se party acting after withdrawal of his or her attorney are counted as if the case had initially been filed pro se.
- Provide that an adverse ruling where the person acted in good faith does not count against the person in calculating the number of adverse prior results.

The bill expands the definition of a vexatious litigant to include a person who, in any civil case:

- After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either the validity of the determination against the same party in an action that was finally determined or the cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party in an action that was finally determined;
- Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action;
- Repeatedly files unmeritorious pleadings, requests for relief, or other documents;
- Repeatedly conducts unnecessary discovery; or,
- Repeatedly engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action.

Current law also defines a vexatious litigant (in the case at issue) as any person who has previously been found to be a vexatious litigant pursuant to s. 68.093, F.S. The bill expands this to provide that anyone found to be a vexatious litigant in any other state or by any federal court is a vexatious litigant in Florida.

The bill clarifies that a vexatious litigant is barred from the pro se filing of any new civil action. The remedies provisions of the bill are amended to provide that a complaint by a vexatious litigant is subject to dismissal; whereas, a motion or other pleading filed by a vexatious litigant is subject to being stricken or denied.

¹⁶ The Small Claim Rules currently apply to a civil action for \$8,000 or less. Fla.Sm.Cl.R. 7.010(b). At the time that this law was passed in 2000, they applied to a civil action for \$2,500 or less.

Where the clerk mistakenly files a new action from a vexatious litigant, or where the court finds that a party qualifies as a vexatious litigant, the bill provides that the action is automatically stayed pending review by the court and possible order requiring the vexatious litigant to post security. The bill also specifies that the automatic stay is in effect until the court acts.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

The bill may discourage the filing of frivolous lawsuits and allow the private sector to avoid costs for defending against these lawsuits.

C. Government Sector Impact:

The Office of the State Courts Administrator furnished the following information regarding potential workload and fiscal impacts of the bill before it was amended:

If the proposed amendments are enacted, judicial workload to enforce the expanded Florida Vexatious Litigant Law may increase (e.g., conducting hearings and entering orders); however, any increase in judicial workload is expected to be offset by the

reduction in filings by vexatious litigants. The revenue impact of this legislation is indeterminate negative, due to the potential reduction of filing fee revenue associated with expanded applicability of the Florida Vexatious Litigant Law. The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from enforcement of the expanded Florida Vexatious Litigant Law and a potential reduction in filings.¹⁷

The Florida Court Clerks and Comptrollers provided a bill analysis on CS/SB 1650 and anticipated an increased workload due to the bill's expansion of a person who may be deemed a vexatious litigant. The clerks review process for verifying that a person is not a vexatious litigant is not automated, so there will be a commensurate increase in staff workload for every newly deemed vexatious litigant.¹⁸ This workload can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 68.093 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 11, 2025:

The amendment provided technical changes and:

- Changed the case threshold to qualify as a vexatious litigant from three cases in a specified timeframe to five cases in a specified timeframe.
- Provided that if a person is qualifying as a vexatious litigant due to conducting unnecessary discovery or engaging in other tactics that are frivolous or solely intended to cause unnecessary delay in any action, the conduct must have occurred repeatedly.

¹⁷ Office of the State Courts Administrator, *2025 Judicial Impact Statement for SB 1650*, March 17, 2025, at 4.

¹⁸ The Florida Clerk of Court and Comptrollers, *2025 Judicial Impact Statement for SB 1650*, March 28, 2025.

- Removed language relating to a court entering a prefiling order prohibiting a vexatious litigant from filing, pro se, any pleading, request for relief, or other document in an action in the courts.
- Removed language relating to a vexatious litigant filing any pleadings, request for relief, or other documents with the clerk of the court.

CS by Judiciary on March 19, 2025:

The committee substitute clarified language regarding the filing of a case and the filing of a pleading in a case.

B. Amendments:

None.

By the Committee on Judiciary; and Senator Grall

590-02606-25

20251652c1

A bill to be entitled

An act relating to public records; amending s. 119.0714, F.S.; providing an exemption from public records requirements for a matter in a pleading, a request for relief, or other document which has been stricken by the court in a noncriminal case if the court makes specific findings; providing a statement of public necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (m) is added to subsection (1) of section 119.0714, Florida Statutes, to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(m) Any matter in a pleading, a request for relief, or other document that has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds that such matter:

1. Is immaterial, impertinent, or sham; and

2. Would defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual.

Section 2. The Legislature finds that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or

590-02606-25

20251652c1

reputation of an individual or jeopardize the safety of an individual, and that has been stricken by a court in a noncriminal case, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that such stricken matters, if they remain in the public record, cause unwarranted and ongoing harm to affected persons and serve no identifiable public purpose. The Legislature further finds that the harm that may result from the release of such stricken matters outweighs any public benefit that may be derived from the disclosure of the stricken matter.

Section 3. This act shall take effect July 1, 2025.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1652
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE			4/10/2025 Amendment 164838 1		4/10/2025 Motion to vote "YEA" after Roll Call 2			
			Grall		Ingoglia			
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
VA		Ingoglia						
X		Osgood						
X		Polsky						
X		Rouson						
X		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
8	0	TOTALS	RCS	-	FAV	-		
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #1652**, relating to Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ERIN GRALL

29th District

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Agriculture, *Vice Chair*
Appropriations
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation, Tourism,
and Economic Development
Ethics and Elections
Governmental Oversight and Accountability

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:

Joint Administrative Procedures Committee,
Alternating Chair

April 9, 2025

Dear Chair Garcia,

Please accept this letter as notification that Senator Yarborough will be presenting SB 1650, Vexatious Litigants and SB 1652, Public Records/ Pleading, Request for Relief, or Other Document Stricken by a Court, in the Appropriations Committee on Criminal and Civil Justice on Thursday, April 10, 2025.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive, flowing style.

Erin Grall

REPLY TO:

- ☐ 3209 Virginia Avenue, Suite A149, Fort Pierce, Florida 34981 (772) 595-1398
- ☐ 1069 U.S. Highway 27 North, Lake Placid, Florida 33852 (863) 699-1080
- ☐ 316 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

4/10/25

Meeting Date

Approp. Comm. on Criminal and Civil Justice

Committee

Name **Ms. Tashiba L. Robinson**

Phone **850-922-5692**

Address **Office of the State Courts Administrator, 500 S. Duval Street**

Email **robinsont@flcourts.org**

Street

Tallahassee

City

FL

State

32399

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1652

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

State Courts System

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



164838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Grall) recommended the following:

Senate Amendment

Delete lines 19 - 20
and insert:

(m) Any matter in a pleading, in a request for relief, or
in any other document that has been stricken by the court in a

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 1652

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senator Grall and others

SUBJECT: Public Records/Pleading, Request for Relief, or Other Document Stricken by a Court

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1652 creates a public records exemption for certain information in a document stricken by a court in a noncriminal case. For the exemption to apply, the court must find that the matter is immaterial, impertinent, or sham and would defame or cause unwarranted damage to an individual's good name or reputation or jeopardize his or her safety. This kind of information often appears in court proceedings involving a "vexatious litigant." A vexatious litigant is a person who has filed multiple lawsuits that are meritless; however, these individuals are also known to submit documents that are considered scandalous or harassing.

The bill also contains a statement of public necessity as required by law. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that has been stricken by a court in a noncriminal case be made confidential and exempt from public records laws. This is necessary because the matter would cause unwarranted damage and ongoing harm to an individual and perhaps jeopardize the individual's safety. The potential harm that could result from the release of the stricken matter outweighs the public benefit that could be derived from the information if it were disclosed.

The bill is expected to have an insignificant workload impact on the state court system. See Section V., Fiscal Impact Statement.

The bill will take effect July 1, 2025.

II. Present Situation:

Vexatious Litigant

A “vexatious litigant” is defined in general terms to be a person or entity who, in the immediate past 5 years, has commenced, prosecuted, or maintained, pro se,¹ five or more civil actions in any court in the state except in small claims court, and all of the cases were decided adversely against the person or entity.²

In 2000, the Florida Vexatious Litigant Law was enacted to deter vexatious litigants from repeatedly filing lawsuits that were determined to be frivolous.³ These filings consume a considerable amount of the court system’s time as well as the time and financial resources of the person being taken to court. Although the law has been challenged in court as denying a person access to the court system as guaranteed in the State Constitution,⁴ the law has been upheld on appeal as being constitutional.⁵ Courts have noted that, while the State Constitution does provide a right of access to the courts, the right is not without limits and may be properly restricted when a litigant abuses the legal process with repeated and frivolous pleadings.⁶

In 2021, an initial “Workgroup on Sanctions for Vexatious and Sham Litigation” was established by the Chief Justice of the Florida Supreme Court to make recommendations on rule and statutory amendments that would effectively address vexatious or sham litigation in noncriminal cases.⁷ Three years later, another workgroup was established. In 2024, the Chief Justice of the Florida Supreme Court established the “Workgroup on Vexatious Litigants.”⁸ The purpose of the workgroup was to recommend ways the law could be improved and address the public disclosure of “improper matters stricken from noncriminal court filings” that could defame individuals and harm their reputations. Among the recommendations made by the workgroup was the recommendation to create a public records exemption for the damaging material described above that could harm, defame or endanger a person in a noncriminal action filed by a vexatious litigant.⁹

Public Records Requirements

The State Constitution guarantees every person the right to inspect or copy any public record made or received in connection with the official business of the state, except for records

¹ A pro se litigant is someone who represents himself or herself in a judicial proceeding without a lawyer. BLACK’S LAW DICTIONARY (12th ed. 2024).

² See s. 68.093, F.S. The law has not been amended since it was enacted 25 years ago.

³ Ch. 2000-314, s. 1, Laws of Fla.

⁴ FLA. CONST. art. I, s. 21.

⁵ *Smith v. Fisher*, 965 So. 2d 205 (Fla. 4th DCA 2007) and *Brown v. Miami-Dade County*, 319 So. 3d 81 (Fla. 3rd DCA 2021).

⁶ *Id.*

⁷ *In re: Workgroup on Sanctions for Vexatious and Sham Litigation*, Fla. Admin Order No. AOSC21-62 (Dec. 9, 2021) (<https://supremecourt.flcourts.gov/content/download/813326/file/AOSC21-62.pdf>).

⁸ *In re: Workgroup on Vexatious Litigants*, Fla. Admin. Order no. AOSC24-19 (April 26, 2024), (<https://supremecourt.flcourts.gov/content/download/2424918/file/AOSC24-19.pdf>).

⁹ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, (Sept. 6, 2024) <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>.

exempted under the Constitution. This right of access to inspect or copy records encompasses records of the judicial branch.¹⁰

Separation of Powers and the Judicial Branch

However, under the doctrine of separation of powers found in Article II, section 3 of the State Constitution, the Florida Supreme Court has the authority to regulate the public's access to judicial records and bears the responsibility to protect records of the judicial branch.¹¹ To implement this "inherent authority," the Court adopted what is now referred to as Rule of General Practice and Judicial Administration 2.420.¹² The rule governs public access to judicial branch records and provides which records are exempt from the public.

In its report, the workgroup noted that under existing law, "even the most inflammatory and palpably false allegations struck by the court remain in the public record." The workgroup further noted that its authority to seal records has its limitations and concluded that the "only tool available to prevent the ongoing publication" of the defamatory remarks was a public records exemption.¹³ Accordingly, the substance of that conclusion is contained in this bill.

Open Government Sunset Review Act – Exceptions for the Judicial Branch

The "Open Government Sunset Review Act" contained in s. 119.15, F.S., provides for the review and repeal or reenactment of an exemption in the 5th year after the enactment of a new exemption or substantial amendment of an existing exemption. However, these requirements do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System. As such, public records exemptions enacted by the Legislature which apply solely to the State Court System are not subject to the 5 year review.

III. Effect of Proposed Changes:

The bill exempts from public disclosure any matter in a pleading, a request for relief, or other document that has been stricken by the court in a noncriminal case pursuant to the rules of court if the court finds the matter:

- Is immaterial, impertinent, or sham; and
- Would defame an individual or cause unwarranted damage to that person's good name or reputation or jeopardize his or her safety.

The bill contains a statement of public necessity that must accompany a public records exemption. The statement recounts that it is a public necessity that an immaterial, impertinent, or sham matter that would defame or cause unwarranted damage to the good name or reputation of

¹⁰ FLA. CONST. art. I, s. 24.

¹¹ See *supra* note 9 which cites *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988) and *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

¹² See *supra* note 9. The rule is found here: <https://www.flcourts.gov/content/download/219096/file/RULE-2-420-Jan2014.pdf>.

¹³ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, 42-43 (Sept. 6, 2024), <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>.

an individual or jeopardize his or her safety, and that has been stricken by a court in a noncriminal case be made confidential and exempt from public record provisions. This is necessary because the stricken matters would cause unwarranted and ongoing harm if they remain in the public record. These matters also serve no identifiable public purpose. The potential harm that could result from the release of the information outweighs the public benefit that could be derived from the information if it were disclosed.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill creates a new exemption, therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires that an exemption to the public records requirements be no broader than necessary to accomplish the stated purpose of the law. This bill exempts from the public records requirements only specific matters in noncriminal cases. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

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:

The bill may reduce the financial harm to individuals which results from defamatory information in court files.

C. Government Sector Impact:

Judges and court clerks may have additional workload resulting from the need to redact information in filed documents. However, the workload can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0714 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 11, 2025:

The amendment makes technical changes to the bill.

CS by Judiciary on March 19, 2025:

The committee substitute differs from the underlying bill by:

- Replacing the term “information in a document” with the expanded term “matter in a pleading, a request for relief, or other document ... pursuant to the rules of court.”
- Replaces the word “untrue” with the word “sham,” which is a term of art having a specific meaning.
- Deletes the retroactive provision.

- Deletes the 5-year legislative review process under the Open Government Sunset Review.
- Changes the effective date to July 1, 2025, and removes the reference to the bill being tied to SB 1650.

B. Amendments:

None.

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

By Senator Martin

33-00749B-25

20251654__

A bill to be entitled

An act relating to registration of sexual predators and sexual offenders; amending s. 775.21, F.S.; revising and providing definitions; revising reporting requirements for sexual predators; revising requirements for an online reporting system; revising verification requirements; providing criminal penalties; amending s. 943.0435, F.S.; revising reporting requirements for sexual offenders; revising verification requirements; providing criminal penalties; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (k), (n), and (o) of subsection (2), paragraphs (a), (f), and (g) of subsection (6), subsection (8), and paragraph (a) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(2) DEFINITIONS.—As used in this section, the term:

(k) "Permanent residence" means a place where the person abides, lodges, or resides for 3 or more consecutive days which is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(n) 1. "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to,

Page 1 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00749B-25

20251654__

vacation, business, or personal travel destinations in or out of this state, for ~~a period of~~ 3 or more days in the aggregate during any calendar year and which is not the person's permanent ~~or transient residence. address or,~~ For a person whose permanent residence is not in this state, the term includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

2. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

For the purpose of calculating a temporary residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(o) "Transient residence" means a county where the person lives, remains, or is located for the purpose of abiding, lodging, or residing for ~~a period of~~ 3 or more days in the aggregate during a calendar year ~~and~~ which is not the person's permanent or temporary residence address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a transient residence under this paragraph, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(6) REGISTRATION.—

Page 2 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00749B-25

20251654

(a) A sexual predator shall register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of permanent or legal residence and address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; date and place of each conviction; fingerprints; palm prints; and a brief description of the crime or crimes committed by the sexual predator offender. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

a. Any change that occurs after the sexual predator

Page 3 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00749B-25

20251654

registers in person at the sheriff's office as provided in this subparagraph in any of the following information related to the sexual predator must be reported as provided in paragraphs (g), (i), and (j): permanent, temporary, or transient residence; name; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home and cellular telephone numbers; employment information; and status at an institution of higher education.

b. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

c. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each

Page 4 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00749B-25

20251654

institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or employment status.

d. A sexual predator shall report to the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes. A sexual predator who is in the custody or control of, or under the supervision of the Department of Corrections, or in the custody or control of, or under the supervision of the Department of Juvenile Justice, shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall report ~~register~~ in person at a driver license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration unless a driver license or an identification card that complies with the requirements of

33-00749B-25

20251654

s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the department in maintaining current records of sexual predators. A post office box may not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

33-00749B-25

20251654

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or an identification card as required by this section. The driver license or identification card issued to the sexual predator must comply with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(g)1.a. Each time a sexual predator's driver license or identification card is subject to renewal, and, without regard to the status of the sexual predator's driver license or identification card, within 48 hours after any change of the sexual predator's residence or change in the sexual predator's name by reason of marriage or other legal process, the sexual predator shall report in person to a driver license office and is subject to the requirements specified in paragraph (f). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section. A sexual predator who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (f) and this paragraph shall ~~also~~ report any change in the sexual predator's permanent, temporary, or transient residence or change in the

33-00749B-25

20251654

sexual predator's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the sexual predator resides or is located ~~and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles.~~ The reporting requirements under this ~~sub-subparagraph~~ subparagraph do not negate the requirement for a sexual predator to obtain a Florida driver license or identification card as required by this section. This sub-subparagraph does not apply to an in-state travel residence.

b. A sexual predator shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in person at the sheriff's office in the county in which the sexual predator is located; in person at the Department of Corrections if the sexual predator is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual predator is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

2.a. A sexual predator who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator shall provide or update all of the registration information required under

33-00749B-25

20251654

paragraph (a). The sexual predator shall provide an address for the residence or other place where he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

b. A sexual predator shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual predator must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall report transient residence information in a manner prescribed by the department and provide notice to transient registrants to report transient residence information as required in this sub-subparagraph. Reporting to the sheriff's office as required by this sub-subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this sub-subparagraph. The sheriff's office shall electronically submit to and update with the department all such information within 2 business days after the sexual predator provides it to the sheriff's office.

3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the sexual predator indicated he or she would or did vacate such residence, report in person to the sheriff's office

33-00749B-25

20251654

to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. A sexual predator who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The failure of a sexual predator who maintains a transient residence to report in person to the sheriff's office every 30 days as required by sub-subparagraph 2.b. is punishable as provided in subsection (10).

5.a. A sexual predator shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or

33-00749B-25

20251654

application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

b. A sexual predator shall register ~~all changes to vehicles owned~~, all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, including the creation of a new business if self-employed, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported in this sub-subparagraph shall be reported within 48 hours after the change.

c. The department shall establish an online system through which sexual predators may securely access, submit, and update all changes in status to in-state travel residences; all vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the

33-00749B-25

20251654

federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections and shall report to the department any failure by a sexual predator to comply with registration requirements. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections at least four times per calendar year, and may verify the addresses of sexual predators who are under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a sexual predator to comply with registration requirements.

(a) A sexual predator shall report in person each year during the month of the sexual predator's birthday and during every third month thereafter to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which must be consistent with the reporting requirements of this paragraph. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of

33-00749B-25

20251654

any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state including the address, location or description of the transient residences, and dates of any current or known future temporary residence within this state or out of state; all electronic mail addresses; all Internet identifiers and each Internet identifier's corresponding website homepage or application software name; all home telephone numbers and cellular telephone numbers; date and place of any employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

2. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those

33-00749B-25

20251654

terms are defined in chapter 320, the sexual predator shall also provide the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall electronically submit to and update with the department, in a manner prescribed by the department, all such information within 2 business days after the sexual predator provides it to the sheriff's office.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to provide electronic mail addresses, Internet identifiers, and each Internet identifier's corresponding website homepage or application software name; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment

33-00749B-25

20251654

address, and telephone number of previously reported employment; who fails to report any ~~or~~ changes in status at an institution of higher education; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of a failure to register or report changes to the required information specified in this paragraph constitutes a separate offense.

Section 2. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), paragraphs (a) and (e) of subsection (4), subsection (6), paragraph (a) of subsection (9), and paragraph (c) of subsection (14) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(2) Upon initial registration, a sexual offender shall:

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; tattoos or other identifying marks; hair and eye color; fingerprints; palm prints;

33-00749B-25

20251654

photograph; employment information, including occupation, business name, employment address, and telephone number; address of permanent or legal residence and ~~or~~ address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; home telephone numbers and cellular telephone numbers; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; date and place of each conviction; and a brief description of the crime or crimes committed by the sexual offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile

33-00749B-25

20251654

home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual offender shall also provide to the department through the sheriff's office written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report with the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints,

33-00749B-25

20251654

and fingerprints to the department, along with the information the sexual offender is required to provide pursuant to this section. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual offender shall:

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must comply ~~be in compliance~~ with s. 322.141(3).

(4)(a) 1. Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the sexual offender's permanent, temporary, or transient residence or change in the sexual offender's name by reason of marriage or other legal process, the sexual offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-

33-00749B-25

20251654

photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall ~~also~~ report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the offender resides or is located ~~and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles~~. The reporting requirements under this sub-subparagraph ~~paragraph~~ do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section. This sub-subparagraph does not apply to an in-state travel residence.

2. A sexual offender shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in person at the sheriff's office in the county in which the sexual offender is located; in person at the Department of Corrections if the sexual offender is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

(e)1. A sexual offender shall register all electronic mail

33-00749B-25

20251654

addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register ~~all changes to vehicles owned~~, all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, including the creation of a new business if self-employed, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or

33-00749B-25

20251654

581 in person at the Department of Juvenile Justice if the sexual
 582 offender is in the custody or control, or under the supervision,
 583 of the Department of Juvenile Justice. All changes required to
 584 be reported under this subparagraph must be reported within 48
 585 hours after the change.

586 3. The department shall establish an online system through
 587 which sexual offenders may securely access, submit, and update
 588 all changes in status to in-state travel residences; vehicles
 589 owned; electronic mail addresses; Internet identifiers and each
 590 Internet identifier's corresponding website homepage or
 591 application software name; home telephone numbers and cellular
 592 telephone numbers; employment information; and institution of
 593 higher education information.

594 (6) County and local law enforcement agencies, in
 595 conjunction with the department, shall verify the addresses of
 596 sexual offenders who are not under the care, custody, control,
 597 or supervision of the Department of Corrections at least one
 598 time per calendar year, and may verify the addresses of sexual
 599 offenders who are under the care, custody, control, or
 600 supervision of the Department of Corrections. The system for
 601 verifying addresses of sexual offenders must be, in a manner
 602 ~~that is~~ consistent with the ~~provisions of the~~ federal Adam Walsh
 603 Child Protection and Safety Act of 2006 and any other federal
 604 standards applicable to such verification or required to be met
 605 as a condition for the receipt of federal funds by the state.
 606 Local law enforcement agencies shall report to the department
 607 any failure by a sexual offender to comply with registration
 608 requirements.

609 (9) (a) Except as otherwise specifically provided, a sexual

33-00749B-25

20251654

610 offender who fails to register; who fails, after registration,
 611 to maintain, acquire, or renew a driver license or an
 612 identification card; who fails to provide required location
 613 information or change-of-name information; who fails to provide
 614 electronic mail addresses, Internet identifiers, and each
 615 Internet identifier's corresponding website homepage or
 616 application software name; who fails to provide all home
 617 telephone numbers and cellular telephone numbers; who fails to
 618 report any changes to employment information, including the
 619 addition of new employment, termination of existing employment,
 620 and changes to the occupation, business name, employment
 621 address, and telephone number of previously reported employment;
 622 who fails to report any ~~or~~ changes in status at an institution
 623 of higher education; who fails to report any changes to vehicles
 624 owned, including the addition of new vehicles and changes to the
 625 make, model, color, vehicle identification number (VIN), and
 626 license tag numbers of previously reported vehicles; who fails
 627 to make a required report in connection with vacating a
 628 permanent residence; who fails to reregister as required; who
 629 fails to respond to any address verification correspondence from
 630 the department or from county or local law enforcement agencies
 631 within 3 weeks after the date of the correspondence; who
 632 knowingly provides false registration information by act or
 633 omission; or who otherwise fails, by act or omission, to comply
 634 with the requirements of this section commits a felony of the
 635 third degree, punishable as provided in s. 775.082, s. 775.083,
 636 or s. 775.084. Each instance of a failure to register or report
 637 changes to the required information specified in this paragraph
 638 constitutes a separate offense.

33-00749B-25

20251654

639 (14)

640 (c) The sheriff's office may determine the appropriate

641 times and days for reporting by the sexual offender, which must

642 be consistent with the reporting requirements of this

643 subsection. Reregistration must include any changes to the

644 following information:

645 1. Name; social security number; age; race; sex; date of

646 birth; height; weight; tattoos or other identifying marks; hair

647 and eye color; address of any permanent residence and address of

648 any current temporary residence, within this state or out of

649 state, including a rural route address and a post office box; if

650 he or she has no permanent or temporary address, any transient

651 residence within this state; address, location or description,

652 and dates of any current or known future temporary residence

653 within this state or out of state; all electronic mail addresses

654 or Internet identifiers and each Internet identifier's

655 corresponding website homepage or application software name; all

656 home telephone numbers and cellular telephone numbers;

657 employment information, including occupation, business name,

658 employment address, and telephone number; the make, model,

659 color, vehicle identification number (VIN), and license tag

660 number of all vehicles owned; fingerprints; palm prints; and

661 photograph. A post office box may not be provided in lieu of a

662 physical residential address. The sexual offender shall also

663 produce his or her passport, if he or she has a passport, and,

664 if he or she is an alien, shall produce or provide information

665 about documents establishing his or her immigration status. The

666 sexual offender shall also provide information about any

667 professional licenses he or she has.

Page 23 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00749B-25

20251654

668 2. If the sexual offender is enrolled or employed, whether

669 for compensation or as a volunteer, at an institution of higher

670 education in this state, the sexual offender shall also provide

671 to the department the name, address, and county of each

672 institution, including each campus attended, and the sexual

673 offender's enrollment, volunteer, or employment status.

674 3. If the sexual offender's place of residence is a motor

675 vehicle, trailer, mobile home, or manufactured home, as those

676 terms are defined in chapter 320, the sexual offender shall also

677 provide the vehicle identification number (VIN); the license tag

678 number; the registration number; and a description, including

679 color scheme, of the motor vehicle, trailer, mobile home, or

680 manufactured home. If the sexual offender's place of residence

681 is a vessel, live-aboard vessel, or houseboat, as those terms

682 are defined in chapter 327, the sexual offender shall also

683 provide the hull identification number; the manufacturer's

684 serial number; the name of the vessel, live-aboard vessel, or

685 houseboat; the registration number of the vessel, live-aboard

686 vessel, or houseboat; and a description, including color scheme,

687 of the vessel, live-aboard vessel, or houseboat.

688 Section 3. This act shall take effect October 1, 2025.

Page 24 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 1654
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil
Justice, *Chair*
Appropriations
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN

33rd District

March 20, 2025

Chair Ileana Garcia
Appropriations Committee on Criminal and Civil Justice
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1654 Registration of Sexual Predators and Sexual Offenders

Dear Chair Garcia,

Please allow this letter to serve as my respectful request to place SB 1654 Registration of Sexual Predators and Sexual Offenders.

SB 1654 revises reporting requirements for sexual predators; revising reporting requirements for sexual offenders; revising verification requirements.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin
Senate District 33

REPLY TO:

- ☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

4/10/2025

Meeting Date

Appropriations Committee on Criminal and Civil Justice

Committee

Name **Bobbie Smith**

Phone **850-410-7000**

Address **2331 Phillips Rd**

Email **bobbiesmith@fdle.state.fl.us**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1654

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Dept. of Law Enforcement

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/2025

Meeting Date

Appropriations Committee on Criminal and Civil Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1654

Bill Number or Topic

250020

Amendment Barcode (if applicable)

Name **Bobbie Smith**

Phone **850-410-7000**

Address **2331 Phillips Rd**

Email **bobbiesmith@fdle.state.fl.us**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Dept. of Law Enforcement

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



250020

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (k), (n), and (o) of subsection (2),
paragraphs (a), (f), and (g) of subsection (6), subsection (8),
and paragraph (a) of subsection (10) of section 775.21, Florida
Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(2) DEFINITIONS.—As used in this section, the term:



250020

(k) "Permanent residence" means a place where the person abides, lodges, or resides for 3 or more consecutive days that is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(n) 1. "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, ~~for a period of 3 or more days in the aggregate during any calendar year that and which~~ is not the person's permanent or transient residence. ~~address or,~~ For a person whose permanent residence is not in this state, the term also includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

2. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

For the purpose of calculating a temporary residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(o) "Transient residence" means a county where the person lives, remains, or is located for the purpose of abiding, lodging, or residing ~~for a period of 3 or more days in the aggregate during a calendar year that and which~~ is not the



250020

person's permanent or temporary residence ~~address~~. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a transient residence under this paragraph, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(6) REGISTRATION.—

(a) A sexual predator shall register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of permanent or legal residence and address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; date and place of each conviction; fingerprints; palm prints; and a brief description



250020

69 of the crime or crimes committed by the sexual predator
70 ~~offender~~. A post office box may not be provided in lieu of a
71 physical residential address. The sexual predator shall also
72 produce his or her passport, if he or she has a passport, and,
73 if he or she is an alien, shall produce or provide information
74 about documents establishing his or her immigration status. The
75 sexual predator shall also provide information about any
76 professional licenses he or she has.

77 a. Any change that occurs after the sexual predator
78 registers in person at the sheriff's office as provided in this
79 subparagraph in any of the following information related to the
80 sexual predator must be reported as provided in paragraphs (g),
81 (i), and (j): permanent, temporary, or transient residence;
82 name; electronic mail addresses; Internet identifiers and each
83 Internet identifier's corresponding website homepage or
84 application software name; home and cellular telephone numbers;
85 employment information; and status at an institution of higher
86 education.

87 b. If the sexual predator's place of residence is a motor
88 vehicle, trailer, mobile home, or manufactured home, as those
89 terms are defined in chapter 320, the sexual predator shall also
90 provide to the department written notice of the vehicle
91 identification number (VIN); the license tag number; the
92 registration number; and a description, including color scheme,
93 of the motor vehicle, trailer, mobile home, or manufactured
94 home. If a sexual predator's place of residence is a vessel,
95 live-aboard vessel, or houseboat, as those terms are defined in
96 chapter 327, the sexual predator shall also provide to the
97 department written notice of the hull identification number; the



250020

manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

c. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or employment status.

d. A sexual predator shall report to the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes. A sexual predator who is under the supervision of the Department of Corrections, or under the supervision of the Department of Juvenile Justice shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.



250020

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall report ~~register~~ in person at a driver license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration unless a driver license or an identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s.

944.607. At the driver license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the department in maintaining current records of sexual predators. A post office box may not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel,



250020

or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or an identification card as required by this section. The driver license or identification card issued to the sexual predator must comply with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(g)1.a. Each time a sexual predator's driver license or identification card is subject to renewal, and, without regard to the status of the sexual predator's driver license or identification card, within 48 hours after any change of the sexual predator's residence or change in the sexual predator's name by reason of marriage or other legal process, the sexual predator shall report in person to a driver license office and is subject to the requirements specified in paragraph (f). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a



250020

reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section. A sexual predator who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (f) and this paragraph shall ~~also~~ report any change in the sexual predator's permanent, temporary, or transient residence or change in the sexual predator's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the sexual predator resides or is located ~~and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles~~. The reporting requirements under this sub-subparagraph ~~subparagraph~~ do not negate the requirement for a sexual predator to obtain a Florida driver license or identification card as required by this section. This sub-subparagraph does not apply to an in-state travel residence.

b. A sexual predator shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in person at the sheriff's office in the county in which the sexual predator is located; in person at the Department of Corrections if the sexual predator is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual predator is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

2.a. A sexual predator who vacates a permanent, temporary,



250020

or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator shall provide or update all of the registration information required under paragraph (a). The sexual predator shall provide an address for the residence or other place where he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

b. A sexual predator shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual predator must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall report transient residence information in a manner prescribed by the department and provide notice to transient registrants to report transient residence information as required in this sub-subparagraph. Reporting to the sheriff's office as required by this sub-subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this sub-subparagraph. The



250020

sheriff's office shall electronically submit to and update with the department all such information within 2 business days after the sexual predator provides it to the sheriff's office.

3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the sexual predator indicated he or she would or did vacate such residence, report in person to the sheriff's office to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. A sexual predator who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The failure of a sexual predator who maintains a transient residence to report in person to the sheriff's office every 30 days as required by sub-subparagraph 2.b. is punishable as provided in subsection (10).

5.a. A sexual predator shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses



250020

and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

b. A sexual predator shall register ~~all changes to vehicles owned,~~ all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, including the creation of a new business if self-employed, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported in this sub-subparagraph shall be reported within 48 hours after the change.

c. The department shall establish an online system through which sexual predators may securely access, submit, and update all changes in status to in-state travel residences; all



250020

vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections and shall report to the department any failure by a sexual predator to comply with registration requirements. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections at least four times per calendar year, and may verify the addresses of sexual predators who are under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a sexual predator to comply with registration requirements.

(a) A sexual predator shall report in person each year during the month of the sexual predator's birthday and during every third month thereafter to the sheriff's office in the county in which he or she resides or is otherwise located to



250020

reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which must be consistent with the reporting requirements of this paragraph. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state including the address, location or description of the transient residences, and dates of any current or known future temporary residence within this state or out of state; all electronic mail addresses; all Internet identifiers and each Internet identifier's corresponding website homepage or application software name; all home telephone numbers and cellular telephone numbers; ~~date and place of any~~ employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.



250020

2. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall electronically submit to and update with the department, in a manner prescribed by the department, all such information within 2 business days after the sexual predator provides it to the sheriff's office.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location



250020

information or change-of-name information; who fails to provide electronic mail addresses, Internet identifiers, and each Internet identifier's corresponding website homepage or application software name; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address, and telephone number of previously reported employment; ~~or~~ who fails to report any changes in status at an institution of higher education; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of a failure to register or report changes to the required information specified in this paragraph constitutes a separate offense.

Section 2. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), paragraphs (a) and (e) of subsection (4), subsection (6), paragraph (a) of subsection (9), and paragraph



250020

(c) of subsection (14) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(2) Upon initial registration, a sexual offender shall:

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; tattoos or other identifying marks; hair and eye color; fingerprints; palm prints; photograph; employment information, including occupation, business name, employment address, and telephone number; address of permanent or legal residence and ~~or~~ address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; home telephone numbers and cellular telephone numbers; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; date and place of each conviction; and a brief description of the crime or crimes committed by the sexual offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide



250020

information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual offender shall also provide to the department through the sheriff's office written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.



250020

3. A sexual offender shall report with the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information the sexual offender is required to provide pursuant to this section. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual offender shall:

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must comply ~~be in compliance~~ with s. 322.141(3).

(4)(a)1. Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the sexual offender's permanent, temporary, or transient residence or change in the



250020

sexual offender's name by reason of marriage or other legal process, the sexual offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall ~~also~~ report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the offender resides or is located ~~and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles.~~ The reporting requirements under this sub-subparagraph ~~paragraph~~ do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section. This sub-subparagraph does not apply to an in-state travel residence.

2. A sexual offender shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in



250020

person at the sheriff's office in the county in which the sexual offender is located; in person at the Department of Corrections if the sexual offender is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

(e)1. A sexual offender shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register ~~all changes to vehicles owned,~~ all changes to home telephone numbers and cellular



250020

telephone numbers, including added and deleted numbers, all changes to employment information, including the creation of a new business if self-employed, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to in-state travel residences; vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections at least one time per calendar year, and may verify the addresses of sexual offenders who are under the care, custody, control, or supervision of the Department of Corrections. ~~in a manner that is~~ The system for verifying addresses of sexual offenders must



250020

be consistent with the ~~provisions of the~~ federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(9)(a) Except as otherwise specifically provided, a sexual offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to provide electronic mail addresses, Internet identifiers, and each Internet identifier's corresponding website homepage or application software name; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address, and telephone number of previously reported employment; ~~or~~ who fails to report any changes in status at an institution of higher education; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies



250020

within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of a failure to register or report changes to the required information specified in this paragraph constitutes a separate offense.

(14)

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; all electronic mail addresses or Internet identifiers and each Internet identifier's corresponding website homepage or application software name; all home telephone numbers and cellular telephone numbers; employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag



250020

number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual offender shall also provide the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

Section 3. This act shall take effect October 1, 2025.



250020

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to registration of sexual predators
and sexual offenders; amending s. 775.21, F.S.;
revising and providing definitions; revising reporting
requirements for sexual predators; revising
requirements for an online reporting system; revising
verification requirements; providing criminal
penalties; amending s. 943.0435, F.S.; revising
reporting requirements for sexual offenders; revising
verification requirements; providing criminal
penalties; providing an effective date.

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1654

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Martin

SUBJECT: Registration of Sexual Predators and Sexual Offenders

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1654 amends ss. 775.21 and 943.0435, F.S., relating to sexual predators and sexual offenders, respectively, to:

- Include an in-state travel residence as a type of temporary residence;
- Provide that an in-state travel residence be reported within 48 hours of establishment of the residence;
- Require that specified employment information be registered through the sheriff's office.
- Specify that registrants must register the creation of a new business, including self-employment online;
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.¹

¹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

The bill amends s. 775.21, F.S., by clarifying the definition of “permanent residence”² to mean a person’s home or where a person primarily lives.

The bill amends s. 775.21, F.S., to specify that a sexual predator who is under the supervision of the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) must report changes to vehicle ownership within 48 hours after such change to the sheriff’s office instead of reporting these changes online or to the DOC or the DJJ and to specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision with the DOC at least four times per calendar year.

The bill amends 943.0435, F.S., to specify that if a sexual offender’s place of residence is a vessel, the sexual offender must provide the information to the FDLE through the sheriff’s office and to specify that county and local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.

The bill has an insignificant negative fiscal impact to the FDLE. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida’s sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the DOC, the DHSMV, and law enforcement officials.³ Florida’s sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁴ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁵

Florida’s Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁶ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different

² Section 775.21(2)(k), F.S.

³Florida Department of Law Enforcement, Sexual Offender and Predator System, available at <https://offender.fdle.state.fl.us/offender/sops/home.jsf> (last visited on April 3, 2025).

⁴ Sections 775.21 and 943.0435, F.S.

⁵ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁶ Sections 775.21 and 943.0435, F.S.

chapters and numerous statutes⁷ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the DOC, the DJJ, the DHSMV, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;⁸
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁹

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹⁰

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.¹¹ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, live-aboard vessel or houseboat, all changes in vehicles owned and travel. The FDLE, through its agency website, provides a

⁷ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

⁸ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

⁹ Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹⁰ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

¹¹ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

searchable database that includes some of this information.¹² Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

FDLE's Online System

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.¹³

A sexual predator or sexual offender must register all change of name information, electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the FDLE through the FDLE's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.¹⁴

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.¹⁵

Currently, the law specifies that a sexual predator and sexual offender may report all changes to vehicles owned through the FDLE's online system.

The United States District Court for the Northern District of Florida, Tallahassee division, issued a March 2024 order which struck down a limited portion of Florida's sexual offender registration law that requires a sexual offender to report in person to the Department of Highway Safety and Motor Vehicles (DHSMV) any change of "permanent residence" or "temporary residence," as

¹² The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on April 3, 2025).

¹³ Sections 775.21(6)(a)1.a. and 943.0435(4)(e)3., F.S.

¹⁴ Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹⁵ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

defined in s. 775.21(2)(k) and (n), F.S., that does not require the DHSMV to issue a replacement driver license or state identification card with the offender's new address.¹⁶

Under this order, a sexual offender is only required to report in-person to the DHSMV for a change in "permanent residence" or "temporary residence" that is either a change of address of the kind that all holders of driver licenses or identification cards must report, a change of the registrant's home, or a change of the place where the registrant habitually lives. Residence changes under s. 943.0435(4)(a), F.S., that are not listed above, such as "in-state travel," are required only to be reported to the sheriff's office, and a sexual offender is not required to confirm to the sheriff's office that they have met the previous requirement to report to DHSMV. The report to the sheriff's office need not be in person. Additionally, the order requires the FDLE to make available a method by which sexual offenders may report online or through similarly accessible means any change of "permanent residence" or "temporary residence," as required by s. 943.0435(4)(a), F.S., that is not a change of address that would require DHSMV to issue a replacement driver license or state identification card for that address.¹⁷

Currently, all temporary address changes, including in-state travel, are reported in person to DHSMV and, if unable to report to DHSMV, also to the sheriff's office.¹⁸¹⁹

The FDLE has implemented a mechanism in which sexual offenders can report in-state travel online, but this is currently not allowed under Florida's registration laws, s. 943.0435, F.S. (sexual offenders) and s. 775.21, F.S. (sexual predators).²⁰

Current registration laws require the reporting of employment information, but only the address is required. There is currently no set requirement for address verifications.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 775.21, F.S., relating to the Florida Sexual Predators Act, to clarify and amend residence definitions. Specifically, the bill clarifies that definition of the term "permanent residence"²² to mean a person's home or where a person primarily lives. The bill also amends the definition of "temporary residence,"²³ to create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.

The section also amends registration requirements in s. 775.21, F.S., to:

- Require that in-state travel residences must be reported either online or in person with the sheriff's office;

¹⁶ United States District Court for the Northern District of Florida, Case No. 4:21cv85-RH-MJF (March 2024).

¹⁷ *Id.*

¹⁸ Section 775.21(6), F.S.

¹⁹ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators* (on file with the Senate Criminal Justice Committee)

²⁰ Florida Department of Law Enforcement, *Notice to Registrants*, available at <https://www.fdle.state.fl.us/SOPS/2024-Notice-to-Registrants-%e2%80%93-English> (last visited April 3, 2025).

²¹ Sections 775.21(8)(a)1., and 943.0435(2)2., F.S.

²² Section 775.21(2)(k), F.S.

²³ Section 775.21(2)(n), F.S.

- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ;
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number and require that registrants must register the creation of a new business, including self-employment;
- Remove language regarding proof of reporting changes to the DHSMV and the sheriff's office for all residence changes;
- Specify that a sexual predator who is under the supervision of the DOC or the DJJ must report changes to vehicles ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ;
- Specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision at least four times per calendar year to ensure the accuracy of the reported information, conforming to the FDLE's current recommendations to local law enforcement for address verifications; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁴

Section 2 amends s. 943.0435, F.S., relating to registration requirements for sexual offenders. The section amends registration provisions to:

- Require an offender to report an in-state travel residence within 48 hours after establishing the residence;
- Require that in-state travel residences must be reported either online or in person with the sheriff's office;
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ;
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number and require that registrants must register the creation of a new business, including self-employment;
- Specify that if the sexual offender's place of residence is a vessel as outlined in statute the sexual offender provide the information to the FDLE through the sheriff's office;
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office;
- Specify that county or local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year; and
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁵

²⁴ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

²⁵ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

Section 3 provides that 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 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 FDLE estimates that it will cost \$12,350 to complete the programmatic changes necessary to address the bill's provisions.²⁶ 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 not yet reviewed the bill; however, the bill does not create any new criminal penalties.

VI. Technical Deficiencies:

None.

²⁶ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.21 and 943.0435.

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 Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute provides technical changes and eliminates language requiring a sexual predator who is in the custody or control of the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) to report changes to vehicle ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ.

- B. **Amendments:**

None.

By the Committee on Judiciary; and Senator Grall

590-03176-25

20251284c1

A bill to be entitled

An act relating to civil liability for the wrongful death of an unborn child; reordering and amending s. 768.18, F.S.; revising the definition of the term "survivors" to include the parents of an unborn child; defining the term "unborn child"; amending s. 768.19, F.S.; providing that the Wrongful Death Act does not authorize a wrongful death action against the mother of an unborn child for the death of the child; providing that the act does not authorize a wrongful death action against a health care provider for the death of an unborn child which results from medical care complying with the applicable standard of care; amending s. 768.21, F.S.; authorizing parents of an unborn child to recover certain damages; conforming a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 768.18, Florida Statutes, is reordered and amended to read:

768.18 Definitions.—As used in ss. 768.16-768.26:

(1)(2) "Minor children" means children under 25 years of age, notwithstanding the age of majority.

(2)(5) "Net accumulations" means the part of the decedent's expected net business or salary income, including pension benefits, that the decedent probably would have retained as savings and left as part of her or his estate if the decedent had lived her or his normal life expectancy. "Net business or

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-03176-25

20251284c1

salary income" is the part of the decedent's probable gross income after taxes, excluding income from investments continuing beyond death, that remains after deducting the decedent's personal expenses and support of survivors, excluding contributions in kind.

(3)(4) "Services" means tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the survivors of the decedent. These services may vary according to the identity of the decedent and survivor and shall be determined under the particular facts of each case.

(4)(3) "Support" includes contributions in kind as well as money.

(5)(1) "Survivors" means the decedent's spouse, children, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive brothers and sisters. It includes the child born out of wedlock of a mother, but not the child born out of wedlock of the father unless the father has recognized a responsibility for the child's support. It also includes the parents of an unborn child.

(6) "Unborn child" means a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.

Section 2. Section 768.19, Florida Statutes, is amended to read:

768.19 Right of action.—

(1) When the death of a person is caused by the wrongful act, negligence, default, or breach of contract or warranty of

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-03176-25

20251284c1

any person, including those occurring on navigable waters, and the event would have entitled the person injured to maintain an action and recover damages if death had not ensued, the person or watercraft that would have been liable in damages if death had not ensued shall be liable for damages as specified in this act notwithstanding the death of the person injured, although death was caused under circumstances constituting a felony.

(2) This act does not authorize a wrongful death action against:

(a) The mother of an unborn child for the death of the unborn child.

(b) A health care provider for the death of an unborn child which results from lawful medical care provided in compliance with the applicable standard of care.

Section 3. Subsection (4) and paragraph (a) of subsection (6) of section 768.21, Florida Statutes, are amended to read:

768.21 Damages.—All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

(4) Each parent of a deceased minor child or an unborn child may also recover for mental pain and suffering from the date of injury. Each parent of an adult child may also recover for mental pain and suffering if there are no other survivors.

(6) The decedent's personal representative may recover for the decedent's estate the following:

(a) Loss of earnings of the deceased from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest. Loss of the

590-03176-25

20251284c1

prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, may also be recovered:

1. If the decedent's survivors include a surviving spouse or lineal descendants; or

2. If the decedent is not a minor child as defined in s. 768.18 ~~s. 768.18(2)~~, there are no lost support and services recoverable under subsection (1), and there is a surviving parent.

Evidence of remarriage of the decedent's spouse is admissible.

Section 4. This act shall take effect July 1, 2025.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 1284
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 10, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: 37 Senate Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Ingoglia						
	X	Osgood						
	X	Polsky						
	X	Rouson						
X		Simon						
X		Wright						
X		Yarborough						
X		Martin, VICE CHAIR						
		Garcia, CHAIR						
5	3	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: April 2, 2025

I respectfully request that **Senate Bill #1284**, relating to Civil Liability for the Wrongful Death of an Unborn Child, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ERIN GRALL

29th District

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Agriculture, *Vice Chair*
Appropriations
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation, Tourism,
and Economic Development
Ethics and Elections
Governmental Oversight and Accountability

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:

Joint Administrative Procedures Committee,
Alternating Chair

April 9, 2025

Dear Chair Garcia,

Please accept this letter as notification that Senator Burton will be presenting SB 1284, Civil Liability for the Wrongful Death of an Unborn Child, in the Appropriations Committee on Criminal and Civil Justice on Thursday, April 10, 2025.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Erin Grall

REPLY TO:

- ☐ 3209 Virginia Avenue, Suite A149, Fort Pierce, Florida 34981 (772) 595-1398
- ☐ 1069 U.S. Highway 27 North, Lake Placid, Florida 33852 (863) 699-1080
- ☐ 316 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

The Doctors Company

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4-10-25

Meeting Date

Appropriations Committee
on Criminal and Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1284

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Andrew Shirvell

Phone

850-404-3414

Address

P.O. Box 12152

Street

Email

andrew@Floridavoice
Fortheunborn.com

Tallahassee

City

State

32317

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Voice For the Unborn, Inc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1284

10 APRIL 2025

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name BILL SNYDER Phone _____

Address _____ Email _____

Street

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

4/10/25

Civil Liability

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

1284

Amendment Barcode (if applicable)

Name

Lisa Lloyd

Phone

Address

Street

Email

City

State

Zip

32309

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/25

Meeting Date

SB 1284

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Approps on Criminal & Civil Justice

Committee

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address P.O. Box

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Family Voice

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4.10.25

Meeting Date

Approps. Committee Criminal and Civil Justice

Committee

Name

Kara Gross

Phone

786-363-4436

Address

4343 West Flagler St

Email

kgross@aclufl.org

Street

Miami

FL

33134

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

American Civil Liberties Union of Florida

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 1284

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to

Senate professional staff conducting the meeting

The Florida Senate

APPEARANCE RECORD

4/10/2025
Meeting Date

SB 1284
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Appropriations Committee on Criminal
Justice
Committee

Amendment Barcode (if applicable)

Name Yenisbel Vilosio Phone _____

Address 1360 Megent St, PMB: 257 Email _____
Street

Madison WI 53715
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Six Action

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1284

Bill Number or Topic

4/10/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Criminal & Civil Justice Appropriations

Committee

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216

Email JohnLabriola@cfcflorida.net

Street

Miami

City

FL

State

33265

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Christian Family Coalition Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

04-10-2025

Meeting Date

SB 1284

Bill Number or Topic

APPROPS ON CRIMINAL + CIVIL

Committee

Amendment Barcode (if applicable)

Name

ROBERT DEMPSTER

Phone

786-838-0535

Address

17550 NE 5TH CT

Email

ROBERT.FLSEN@FLORIDATISING.ORG

Street

NORTH MIAMI BEACH FL 33162

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/2025

Meeting Date

Approp Criminal & Civil Justice

Committee

1284

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Michelle Grimsley Shindano

Phone

Address 736 Central Ave

Email

Street

Sarasota, FL

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing: FL Alliance of Planned
Parenthood Affiliates

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/25
Meeting Date

Approps on Criminal Justice
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

1284
Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fctep@yahoo.com

Tallahassee, FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

National Latina Institute
for Reproductive Justice

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/2025

The Florida Senate
APPEARANCE RECORD

SB 1284
Bill Number or Topic

Meeting Date
Committee
Criminal Civil Justice

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Phone 786 346 0819

Address 1351 NE 191 ST

Email KENNEDY191@gmail.com

Street
City Miami State FL Zip 33179

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

1284

Bill Number or Topic

Approps on Criminal / Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Kylie Daum

Phone 850 224 1660

Address 106 E College Ave
Street

Email KyliedCAG@gmail.com

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

League of Women Voters
of Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/10/25
Meeting Date

Appropriations
Committee

SB1284
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barbara Myers

Phone 850/443-9177

Address 8172 Wenonga Ct
Street

Email Barb 1748@yahoo.com

Tallahassee
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1284

Bill Number or Topic

4/10/2025

Meeting Date

App. Civil & Criminal Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Quinn Warner Swearingen

Phone 407-391-1147

Address 101 N Monroe
Street

Email quinnos18@gmail

Tallahassee FL
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/25

Meeting Date

Sen. Crim. Justice Approps

Committee

SB 1284

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

Jackson@FloridaForAll.vote

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Rising

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/25
Meeting Date

Appropriations on Criminal & Civil Justice
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB1284
Bill Number or Topic

Amendment Barcode (if applicable)

Name Parker Keaton Phone (352) 727-3746

Address _____ Email _____
Street

Tallahassee FL 32312
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

4/10/25

Meeting Date

APPEARANCE RECORD

1284

Bill Number or Topic

Appropriations on Criminal & Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Michael Barrett

Phone

(850) 205-6823

Address

201 W Park Ave

Email

mbarrett@flsenate.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:Florida Conference of
Catholic Bishops☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

4-10-25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting1284
Bill Number or TopicApprop. Civil & Criminal Justice
Committee

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

FL NOW

☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/10/25

Meeting Date

S. CJ Approps

Committee

SB 1284

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

Name Jon Harris Maurer

Phone _____

Address 201 E. Park Ave., Ste. 200A

Email _____

Street

TLH

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Equality Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 1284

INTRODUCER: Judiciary Committee and Senators Grall and Burton

SUBJECT: Civil Liability for the Wrongful Death of an Unborn Child

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1284 expands Florida’s Wrongful Death Act to allow the parents of an unborn child to recover noneconomic damages for mental pain and suffering from a person who is responsible for the death of the unborn child.

The mother cannot be sued in a wrongful death action for the death of her unborn child. Also, a health care provider providing lawful medical care provided in compliance with the applicable standard of care is not liable for wrongful death of the unborn child.

The bill does not impact state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Most of the state’s tort law is derived from the common law. At common law, there was no right to recover for the negligent wrongful death of another person.¹ Over time, however, the Legislature authorized recoveries for wrongful death and expanded the types of damages recoverable and the classes of survivors entitled to recover. “Because wrongful death actions did

¹ *Louisville & Nashville Railroad Co. v. Jones*, 45 Fla. 407, 416 (Fla. 1903).

not exist at common law, all claims for wrongful death are created and limited by Florida's Wrongful Death Act.”²

History of Wrongful Death Actions

The early versions of the state's wrongful death laws limited the right to recover damages to a surviving spouse, surviving children if there was no surviving spouse, those dependent upon the decedent for support if there was no one belonging to the prior two classes, and finally the executor of the decedent's estate if there was no one belonging to the prior three classes.³ In order to show dependence on the decedent, a claimant had to show that he or she was a minor, physically or mentally disabled, or elderly.⁴ Adults who were mentally and physically capable of providing for themselves could not recover despite having been supported by the decedent.⁵ Any damages recoverable were limited to a form of economic damages.

The wrongful death law was substantially re-written in 1972.⁶ That law created the Florida Wrongful Death Act, which provides the framework for current law. One of the major changes made by this law was to consolidate or merge survival and wrongful death actions.⁷ A survival action is a legal action allowed under the survival statute to continue notwithstanding the plaintiff's death. As merged, the 1972 law allowed the statutory survivors to recover damages for their pain and suffering as a substitute for recoveries for the decedent's pain and suffering under the survival statute.⁸

The type of damages that a survivor is entitled to, under the 1972 law, depends upon the classification of the survivor. The 1972 law allows all survivors to recover the value of lost support and services, a type of economic damages. A surviving spouse may also recover loss of marital companionship and pain and suffering, types of noneconomic damages. Minor children, then defined as under age 21⁹ and unmarried, may also recover loss of parental companionship and pain and suffering. The parents of a deceased minor child may also recover pain and suffering. Any survivor who paid them may recover final medical, funeral and burial expenses. The estate of the decedent may recover lost earnings from date of injury to date of death, plus net accumulations, which is essentially an estimate of the present value of the future estate that would have been available for inheritance.

A 1981 act expanded the definition of “minor children” to include all children of the decedent under age 25, regardless of whether such child is married or dependent.¹⁰ The statutes did not

² *Chinghina v. Racik*, 647 So. 2d 289, 290 (Fla. 4th DCA 1994).

³ *Duval v. Hunt*, 34 Fla. 85 (Fla. 1894) (discussing a wrongful death statute enacted in 1883).

⁴ *Id.* at 101-102.

⁵ The Court interpreted the dependency requirement in the statute as requiring a person to have a genuine inability to support himself or herself based on the view that strong, healthy adults who are capable of earning a livelihood should not be content to “live in idleness upon the fruits of [another's] labor.” *Id.* at 101.

⁶ Chapter 72-35, Laws of Fla.

⁷ *Sheffield v. R.J. Reynolds Tobacco Co.*, 329 So. 3d 114, 121 (Fla. 2021).

⁸ *Martin v. United Sec. Services, Inc.*, 314 So. 2d 765, 767 (Fla. 1975).

⁹ Florida changed the age of majority from 21 to 18 in the following year, but that act did not change the reference to age 21 in the wrongful death law. Section 743.07, F.S.; chapter 73-21, Laws of Fla.

¹⁰ Chapter 81-183, Laws of Fla.

authorize a wrongful death action by a nondependent, adult child for the loss of a parent or an action by a parent for the loss of an adult child.¹¹

In 1990, the Legislature generally expanded the class of survivors entitled to recover damages for pain and suffering for a wrongful death.¹² As expanded, a decedent's adult children may recover damages for pain and suffering if there is no surviving spouse. The parents of an adult decedent may also recover damages for pain and suffering if there is no surviving spouse or surviving minor or adult children.¹³

Wrongful Death Actions for the Death of an Unborn Child

In 1978 the Florida Supreme Court held that an unborn fetus is not a "person" for purposes of Florida's Wrongful Death Act (Act).¹⁴ Thus, when a person causes the death of an unborn child, the child's parents cannot recover civil damages under the Act for the death.¹⁵

In 1997 the Florida Supreme Court reiterated that "there is no cause of action under Florida's Wrongful Death Act for the death of a stillborn fetus."¹⁶ However, in that same case, the Court recognized a common law action for "negligent stillbirth." The Court emphasized that the damages recoverable in such action are limited to mental pain and anguish and medical expenses incurred incident to the pregnancy, and that such legal action is different from an action under the Wrongful Death Act, as follows:

A suit for negligent stillbirth is a direct common law action by the parents which is different in kind from a wrongful death action. The former is directed toward the death of a fetus while the latter is applicable to the death of a living person. As contrasted to the damages recoverable by parents under the wrongful death statute, the damages recoverable in an action for negligent stillbirth would be limited to mental pain and anguish and medical expenses incurred incident to the pregnancy.¹⁷

Therefore, Florida allows a limited recovery of damages for negligent stillbirth, but it does not recognize a cause of action for wrongful death based on the death of an unborn child.

Florida remains one of six states, including California and New York,¹⁸ that currently do not recognize a cause of action for the wrongful death of an unborn child.¹⁹ Forty-three states

¹¹ *Mizrahi v. North Miami Medical Center, Ltd.*, 761 So. 2d 1040, 1042 (Fla. 2000).

¹² Chapter 90-14, Laws of Fla.

¹³ *Id.* (amending s. 768.18(3) and (4), F.S.). The adult children were also authorized by the 1990 law to recover noneconomic damages for lost parental companionship, instruction, and guidance.

¹⁴ *Duncan v. Flynn*, 358 So. 2d 178 (Fla. 1978).

¹⁵ *Singleton v. Ranz*, 534 So. 2d 847 (Fla. 5th DCA 1988) (citing *Duncan v. Flynn*, 358 So. 2d 178 (Fla. 1978)).

¹⁶ *Tanner v. Hartog*, 696 So. 2d 705, 706 (Fla. 1997).

¹⁷ *Tanner*, 696 So. 2d at 708-09.

¹⁸ *Rosales v. Northeast Community Clinic*, B276465, 2018 WL 1633068, at *2 (Cal. Ct. App. Apr. 5, 2018); *Endresz v. Friedberg*, 24 N.Y. 2d 478, 484 (N.Y. 1969).

¹⁹ *Stern v. Miller*, 348 So. 2d 303, 307-08 (Fla. 1977); The three other states include Iowa, Maine, and New Jersey. *Dunn v. Rose Way, Inc.*, 333 N.W. 2d 830, 831 (Iowa 1983); *Shaw v. Jendzejec*, 717 A.2d 367, 371 (Me. 1998); *Giardina v. Bennett*, 111 N.J. 412, 421-25 (N.J. 1988).

currently have some form of cause of action for the wrongful death of an unborn child. These statutes condition recovery based on the viability²⁰ of the child in question.²¹

Fifteen states afford a cause of action for the wrongful death of an unborn child at any stage of development.²² Several of these states, however, provide an exception so that the mother cannot be sued for the wrongful death of her unborn child.²³

Three states, including Connecticut,²⁴ Georgia,²⁵ and Mississippi,²⁶ allow a wrongful death action to be brought on behalf of an unborn child if the quickening standard is met, which requires fetal movement to have been detected prior to death.²⁷

Twenty-five states allow a cause of action for the wrongful death of an unborn child under a viability standard, which examines whether an unborn child can exist independently outside of the mother's womb.²⁸ Of these 25 states, one state, Indiana, expressly prohibits a wrongful death action if the death of an unborn child is the result of a lawful abortion.²⁹

²⁰ “Viability” is the ability of a developing fetus to survive independent of a pregnant woman’s womb. Elizabeth Chloe Romanis, *Is “viability” viable? Abortion, conceptual confusion and the law in England and Wales and the United States*, 7 J. LAW. BIOSCI. (Jan.-Dec. 2020).

²¹ Only Wyoming remains undecided as to whether a cause of action for wrongful death exists as to an unborn child.

²² Alabama (*Hamilton v. Scott*, 97 So. 3d 728 (Ala. 2012); *Mack v. Carmack*, 79 So. 3d 597 (Ala. 2011)); Alaska (Alaska Stat. Ann. § 09.55.585); Arkansas (Ark. Code Ann. § 15-62-102); Illinois (740 Ill. Comp. Stat. Ann. 180/2.2); Kansas (Kan. Stat. Ann. § 60-1901); Louisiana (Louisiana Civil Code Art. 26); Michigan (Mich. Comp. Laws Ann. § 600.2922a); Missouri (Mo. Ann. Stat. § 1.205); Nebraska (Neb. Rev. Stat. § 30-809); Oklahoma (12 Okl. St. Ann. § 1053, OK ST T. 12 § 1053; *Pino v. United States*, 2008 OK 26, 183 P.3d 1001); South Dakota (S.D. Codified Laws §21-5-1); Texas (Tex. Civ. Prac. & Rem. Code § 71.002); Utah (*Carranza v. United States*, 2011 UT 80, 267 P.3d 912); Virginia (Va. Code Ann. §§8.01-50); West Virginia (*Farley v. Sarti*, 195 W. Va. 671, 681 (1995)).

²³ See Kan. Stat. Ann. § 60-1901; Tex. Civ. Prac. & Rem. Code § 71.003.

²⁴ *Elderkin v. Mahoney*, No. No. CV156056191, 2017 WL 5178583 (Conn. Super. Ct. Sept. 28, 2017).

²⁵ *Porter v. Lassiter*, 91 Ga. App. 712 (1955); *Shirley v. Bacon*, 154 Ga. App. 203 (1980).

²⁶ Miss. Code Ann. § 11-7-13 (2018).

²⁷ Romanis, *supra*, note 20.

²⁸ Arizona (*Summerfield v. Superior Ct. in and for Maricopa County*, 144 Ariz. 467 (Ariz. 1985)); Colorado (*Gonzales v. Mascarenas*, 190 P. 3d 826 (Colo. App. 2008)); Delaware (*Worgan v. Greggo & Ferrera, Inc.*, 50 Del. 258 (Del. Super. Ct. 1956)); Hawaii (*Hawaii Castro v. Melchor*, 137 Hawai’i 179 (Haw. Ct. App. 2016)); Idaho (*Volk v. Baldazo*, 103 Idaho 570 (Idaho 1982)); Indiana (Ind. Code Ann. §34-23-2-1(b)); Kentucky (*Stevens v. Flynn*, No. 2010-CA-00196-MR, 2011 WL 3207952 (Ky. Ct. App. July 29, 2011)); Maryland (*Brown v. Contemporary OB/GYN Assocs.*, 143 Md. App. 199 (Md. Ct. Spec. App. 2002); Md. Code Ann., Cts. & Jud. Proc. §§ 3-902, 3-904); Massachusetts (*Thibert v. Milka*, 419 Mass. 693 (Mass. 1995)); Minnesota (*Pehrson v. Kistner*, 301 Minn. 299 (Minn. 1974)); Montana (*Blackburn v. Blue Mt. Women’s Clinic*, 286 Mont. 60 (Mont.1997)); Nevada (*White v. Yup*, 85 Nev. 527 (Nev. 1969)); New Hampshire (*Wallace v. Wallace*, 120 N.H. 675 (N.H. 1980)); New Mexico (*Miller v. Kirk*, 120 N.M. 654 (N.M. 1995)); North Carolina (*DiDonato v. Wortman*, 320 N.C. 423, 358 S.E.2d 489 (1987)); North Dakota (*Hopkins v. McBane*, 359 N.W. 2d 862 (N.D. 1984)); Ohio (*Griffiths v. Doctor’s Hosp.*, 150 Ohio App. 3d 234, 2002-Ohio-6173, 780 N.E.2d 603 (2002)); Oregon (*LaDu v. Oregon Clinic, P.C.*, 165 Or. App. 687 (Or. Ct. App. 2000)); Pennsylvania (*Coveleski v. Bubnis*, 535 Pa.166 (Pa. 1993)); Rhode Island (*Miccolis v. AMICA*, 587 A. 2d 67 (R.I. 1991)); South Carolina (*Crosby v. Glasscock Trucking*, 340 S.C. 626 (S.C. 2000)); Tennessee (Tenn. Code Ann. § 20-5-106(c)); Vermont (*Vaillancourt v. Med. Ctr. Hosp. Vt., Inc.*, 139 Vt. 38 (Vt. 1980)); Washington (*Baum v. Burrington*, 119 Wash. App.36 (Wash. Ct. App. 2003)); Wisconsin (*Kwaterski v. State Farm Mut. Auto. Ins. Co.*, 34 Wis. 2d 14 (Wis. 1967).

²⁹ Ind. Code Ann. §34-23-2-1.

Finally, one state, Wyoming, remains undecided as to whether a cause of action for wrongful death exists as to an unborn child.³⁰

III. Effect of Proposed Changes:

The bill expands Florida's Wrongful Death Act to allow the parents of an unborn child to recover noneconomic damages through the Act for mental pain and suffering from a person who is responsible for the death of their unborn child. The term "unborn child" means "a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb." Thus, the bill authorizes a wrongful death action for an unborn child who is lost at any stage of a pregnancy.

By authorizing a wrongful death action, the parents of the unborn child will not be limited to the damages available under the common law cause of action for negligent stillbirth. The parents, instead, are authorized to recover the full measure of the economic and noneconomic damages available under the Wrongful Death Act. These damages include damages for the parents' mental pain and suffering related to the death and their future mental pain and suffering based on the life expectancy of the parents and the child.

Although the bill authorizes the parents of an unborn child to recover damages for the loss of an unborn child, the bill does not change the requirements of the Wrongful Death Act that the action be brought by the court-appointed personal representative.³¹

The bill specifies that the mother of the unborn child is not liable in a wrongful death action for the death of her unborn child. Also, a health care provider is not liable for the death of an unborn child which results from lawful medical care provided in compliance with the applicable standard of care.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ Wyoming has not determined whether an unborn child is a "person" under the state's Wrongful Death Act. But, the Court has held that an unborn child is not a "minor" for whom guardianship statutes authorize the appointment of a guardian. *Matter of Guardianship of MKH*, 2016 WY 103, 382 P.3d 1096 (Wyo. 2016).

³¹ See s. 768.20, F.S. (stating that the "action shall be brought by the decedent's personal representative, who shall recover for the benefit of the decedent's survivors and estate all damages"). See also s. 733.301(1)(b), F.S., which establishes an order of preference for appointing personal representatives for intestate estates (persons who die without a will).

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:

The bill may increase private insurance rates to the extent that this bill provides for tort claim recoveries that are not paid under current law.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 768.18, 768.19, and 768.21.

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 Judiciary on April 1, 2025:

The committee substitute provides that the Wrongful Death Act does not authorize a wrongful death action related to the death of an unborn child against a health care provider which results from lawful medical care in compliance with the applicable standard of care.

B. Amendments:

None.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal and Civil Justice, *Chair*
Children, Families, and Elder Affairs, *Vice Chair*
Appropriations
Appropriations Committee on Health and Human Services
Criminal Justice
Ethics and Elections
Rules

SENATOR ILEANA GARCIA

36th District

April 10, 2025

Committee Staff,

Appropriations Committee on Criminal and Civil Justice
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Staff,

Senator Garcia respectfully requests an excused absence from the April 10th, 2025, meeting of the Appropriations Committee on Criminal and Civil Justice.

I appreciate your consideration.

Sincerely,

Angelo Remuzgo
Legislative Aide to Senator Ileana Garcia

REPLY TO:

- ☐ 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841
- ☐ 314 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Committee on Criminal and Civil Justice

Judge:

Started: 4/10/2025 11:01:31 AM

Ends: 4/10/2025 12:57:11 PM

Length: 01:55:41

11:01:29 AM	Sen. Martin (Chair)
11:02:36 AM	S 984
11:02:43 AM	Sen. Gruters
11:03:23 AM	Sen. Martin
11:03:30 AM	Sen. Polsky
11:03:38 AM	Sen. Gruters
11:04:00 AM	Sen. Polsky
11:04:02 AM	Sen. Gruters
11:04:32 AM	Sen. Martin
11:04:48 AM	Joe Harman, Florida Conference of Catholic Bishops
11:05:35 AM	Sen. Polsky
11:08:07 AM	Sen. Martin
11:08:11 AM	Sen. Gruters
11:08:42 AM	Sen. Martin
11:08:44 AM	S 1140
11:08:56 AM	Sen. Martin
11:09:56 AM	Am. 267094
11:09:58 AM	Sen. Gruters
11:10:00 AM	Sen. Martin
11:10:03 AM	S 1140 (cont.)
11:10:04 AM	Hunter Flack, The Niskanen Center (waives in support)
11:10:39 AM	Sen. Osgood
11:10:40 AM	Sen. Gruters
11:11:40 AM	Sen. Martin
11:12:03 AM	S 1180
11:12:08 AM	Sen. Gaetz
11:12:16 AM	Am. 808900
11:13:15 AM	Sen. Gaetz
11:13:40 AM	Sen. Gaetz
11:13:45 AM	Sen. Martin
11:14:07 AM	S 10
11:14:18 AM	Sen. Pizzo
11:15:15 AM	Sen. Martin
11:15:20 AM	Seth Miller (waives in support)
11:15:24 AM	Sidney Holmes
11:15:58 AM	Sen. Pizzo
11:16:00 AM	Sen. Martin
11:16:54 AM	S 500
11:17:00 AM	Sen. Avila
11:17:39 AM	Sen. Martin
11:18:32 AM	Am. 247248
11:18:41 AM	Sen. Avila
11:19:12 AM	Sen. Martin
11:19:13 AM	S 500 (cont.)
11:19:50 AM	S 1054
11:19:51 AM	Sen. Avila
11:20:49 AM	Sen. Martin
11:21:25 AM	S 1072
11:21:42 AM	Sen. McClain
11:21:54 AM	Sen. Martin
11:21:56 AM	Sen. Ingoglia
11:22:18 AM	Sen. McClain

11:23:41 AM Sen. Ingoglia
11:23:46 AM Sen. McClain
11:23:50 AM Sen. Martin
11:23:59 AM Sen. McClain
11:24:03 AM Sen. Martin
11:24:22 AM S 240
11:24:26 AM Sen. Berman
11:25:52 AM Sen. Martin
11:25:59 AM Alexandra Rothman
11:27:50 AM Katie J. Bohnett, Alliance for Safety and Justice (waives in support)
11:28:22 AM Amy Trask
11:32:34 AM Sen. Martin
11:32:36 AM Barbra Devane, Florida Now (waives in support)
11:32:43 AM Juan Pablo Chavez, Crime Survivors for Safety and Justice (waives in support)
11:32:54 AM Sen. Berman
11:33:32 AM Sen. Martin
11:33:54 AM S 494
11:34:00 AM Sen. Leek
11:35:30 AM Sen. Martin
11:35:42 AM Sen. Ingoglia
11:36:02 AM Sen. Leek
11:36:19 AM Sen. Ingoglia
11:36:22 AM Sen. Leek
11:36:40 AM Sen. Ingoglia
11:37:19 AM Sen. Leek
11:38:00 AM Sen. Ingoglia
11:38:19 AM Sen. Leek
11:39:31 AM Lily Baron, SPCA of Ocala
11:40:28 AM Matt McClain
11:44:13 AM Sen. Martin
11:44:20 AM Liz McCauley, Cape Coral Animal Shelter
11:45:04 AM Sen. Martin
11:45:45 AM Marianna Tamayo (waives in support)
11:45:46 AM Bill Gladson, State Attorney 5th Circuit (waives in support)
11:45:50 AM Kate MacFall, Human Society of the United States (waives in support)
11:46:11 AM Sen. Ingoglia
11:47:32 AM Sen. Wright
11:48:15 AM Sen. Martin
11:48:17 AM Sen. Leek
11:48:23 AM Sen. Martin
11:49:05 AM S 1422
11:49:10 AM Sen. Truenow
11:50:21 AM Sen. Martin
11:50:24 AM Am. 208498
11:50:28 AM Sen. Truenow
11:51:25 AM Sen. Martin
11:51:31 AM S 1422 (cont.)
11:51:42 AM Sen. Polsky
11:52:33 AM Sen. Truenow
11:52:35 AM Sen. Polsky
11:52:38 AM Sen. Truenow
11:53:02 AM Sen. Polsky
11:53:08 AM Sen. Truenow
11:53:22 AM Sen. Polsky
11:53:25 AM Sen. Truenow
11:53:36 AM Sen. Polsky
11:53:45 AM Sen. Truenow
11:54:03 AM Sen. Martin
11:54:12 AM Sen. Leek
11:54:18 AM Sen. Martin
11:54:30 AM Christopher Holton, Center for Security Policy (waives in support)
11:54:58 AM Sen. Polsky

11:55:06 AM Sen. Martin
11:55:58 AM Sen. Truenow
11:56:57 AM Sen. Martin
11:57:49 AM S 1268
11:57:53 AM Sen. Simon
11:58:17 AM Sen. Martin
11:58:21 AM Bobby Smith, Florida Dept
11:58:31 AM S 1344
11:59:32 AM Sen. Simon
12:00:06 PM Sen. Martin
12:00:08 PM Am. 772728
12:00:10 PM Sen. Simon
12:01:17 PM Sen. Martin
12:01:22 PM S 1344 (cont.)
12:01:25 PM Candice Brower, Office of Criminal Conflict and Civil Regional Council (waives in support)
12:01:36 PM Rob Johnson, Florida Network of Youth and Family Services (waives in support)
12:01:40 PM Christian Minor, Florida Juvenile Justice Association (waives in support)
12:01:46 PM Chancer Teel, Florida Department of Juvenile Justice (waives in support)
12:02:22 PM S 1252
12:02:41 PM Sen. Yarborough
12:03:01 PM Am. 690272
12:03:59 PM Sen. Yarborough
12:04:17 PM Sen. Martin
12:04:50 PM S 1386
12:05:00 PM Sen. Yarborough
12:06:27 PM Sen. Martin
12:06:44 PM Am. 540570
12:06:56 PM Sen. Yarborough
12:07:03 PM Sen. Martin
12:07:12 PM S 1386 (cont.)
12:07:13 PM Alexandria Kernan, Florida Section - American Water Works Association (waives in support)
12:07:22 PM Ryan Matthews, Florida Municipal Natural Gas Association (waives in support)
12:07:26 PM Nicole Albers, Florida Municipal Electric Association (waives in support)
12:07:32 PM Adam Basford, Associated Industries of Florida (waives in support)
12:07:35 PM Dale Calhoun, Florida Natural Gas Association, Florida Propane Gas Association (waives in support)
12:07:42 PM Victoria Price, Florida Public Utilities Company (waives in support)
12:07:46 PM Drew Love, Florida Electric Cooperatives Association (waives in support)
12:07:51 PM Sen. Rouson (Chair)
12:08:47 PM S 1084
12:08:59 PM Sen. Martin
12:10:06 PM Sen. Rouson
12:11:10 PM S 1654
12:11:35 PM Sen. Martin
12:11:51 PM Sen. Rouson
12:12:49 PM Am. 250020
12:12:57 PM Sen. Martin
12:13:03 PM Sen. Rouson
12:13:26 PM Bobbie Smith, Florida Department of Law Enforcement (waives in support)
12:13:48 PM S 1654 (cont.)
12:14:12 PM Bobbie Smith, Florida Department of Law Enforcement (waives in support)
12:14:34 PM Sen. Martin (Chair)
12:15:33 PM S 1650
12:15:52 PM Sen. Yarborough
12:15:57 PM Sen. Martin
12:16:06 PM Am. 558644
12:16:12 PM Sen. Yarborough
12:17:26 PM Sen. Martin
12:17:32 PM Ms. Tashiba L. Robinson, State Court System (waives in support)
12:17:48 PM S 1650 (cont.)
12:18:02 PM Ms. Tashiba L. Robinson, State Court System (waives in support)
12:18:06 PM S 1652
12:18:37 PM Sen. Yarborough

12:19:06 PM Sen. Martin
12:19:18 PM Am. 164838
12:19:25 PM Sen. Yarborough
12:19:33 PM Sen. Martin
12:19:49 PM S 1652 (cont.)
12:19:56 PM Ms. Tashiba L. Robinson, State Court System (waives in support)
12:19:59 PM S 1284
12:20:27 PM Sen. Burton
12:22:10 PM Sen. Martin
12:23:10 PM Sen. Ingoglia
12:23:24 PM Sen. Burton
12:24:23 PM Sen. Martin
12:25:35 PM Mark Delegal, The Doctors Company
12:27:25 PM Sen. Ingoglia
12:27:51 PM M. Delegal
12:28:36 PM Sen. Ingoglia
12:28:41 PM M. Delegal
12:28:49 PM Sen. Ingoglia
12:28:54 PM M. Delegal
12:28:59 PM Sen. Ingoglia
12:29:23 PM M. Delegal
12:29:33 PM Sen. Ingoglia
12:29:38 PM M. Delegal
12:30:38 PM Sen. Ingoglia
12:30:43 PM M. Delegal
12:31:13 PM Sen. Martin
12:31:45 PM Andrew Shirvell, Florida Voice for the Unborn Inc.
12:33:20 PM Sen. Ingoglia
12:33:40 PM A. Shirvell
12:34:30 PM Sen. Ingoglia
12:35:47 PM A. Shirvell
12:35:54 PM Sen. Ingoglia
12:36:31 PM A. Shirvell
12:36:40 PM Sen. Ingoglia
12:37:20 PM A. Shirvell
12:37:25 PM Bill Snyder
12:39:04 PM Lisa Lloyd
12:41:56 PM Aaron DiPietro, Florida Family Voice (waives in support)
12:42:00 PM Kara Gross. American Civil Liberties Union of Florida
12:46:04 PM Yenisbel Vilorio, Six Action
12:48:16 PM John Labriok, Christian Family Coalition Florida (waives in support)
12:49:18 PM Robert Dempster (waives against)
12:49:23 PM Michelle Grimsley Shindano, Florida Alliance of Planned Parenthood Affiliates (waives against)
12:49:29 PM Karen Woodwall, National Latina Institute for Reproductive Justice (waives against)
12:49:35 PM Thomas Kennedy (waives against)
12:49:37 PM Kylie Daum, League of Women Voters of Florida (waives against)
12:49:45 PM Barbra Myers (waives against)
12:49:49 PM Quinn Warner Swearingen (waives against)
12:49:53 PM Jackson Oberlink, Florida Rising (waives against)
12:49:55 PM Paker Keaton (waives against)
12:49:58 PM Micheal Barrett, Florida Conference of Catholic Bishops (waives in support)
12:50:04 PM Barbra DeVance, Florida Now (waives against)
12:50:08 PM John Harris Maurer, Equality Florida (waives against)
12:50:16 PM Sen. Polsky
12:54:09 PM Sen. Martin
12:54:20 PM Sen. Ingoglia
12:54:53 PM Sen. Burton
12:56:14 PM Sen. Martin
12:56:46 PM Sen. Simon
12:56:53 PM Sen. Ingoglia
12:56:58 PM Sen. Yarborough
12:57:01 PM Sen. Martin

