

Tab 1	SB 86 by Burgess; Identical to H 00421 Peer Support for First Responders					
759878	A	S	RCS	CJ, Burgess	Delete L.18:	03/04 05:02 PM
Tab 2	SB 168 by Bradley; Identical to H 01207 Mental Health					
857776	A	S	RCS	CJ, Bradley	Delete L.375 - 499:	03/04 05:02 PM
Tab 3	SB 276 by Wright; Similar to H 00153 Sheltering or Aiding Unmarried Minors					
Tab 4	SB 402 by Wright; Unlawful Use of Uniforms, Medals, or Insignia					
Tab 5	SB 472 by Truenow; Identical to H 00195 Education in Correctional Facilities for Licensed Professions					
Tab 6	SB 490 by Collins; Identical to H 00383 Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, and Military Servicemembers					
442658	D	S	RCS	CJ, Collins	Delete everything after	03/04 05:02 PM
972514	AA	S	RCS	CJ, Collins	Delete L.103:	03/04 05:02 PM
Tab 7	SB 628 by Martin; Similar to H 00289 Boating Safety					
514168	A	S	RCS	CJ, Martin	Delete L.102 - 151.	03/04 05:02 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, March 4, 2025

TIME: 2:00—3:30 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Martin, Chair; Senator Smith, Vice Chair; Senators Bernard, Bradley, Garcia, Gruters, Pizzo, Simon, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 86 Burgess (Identical H 421, Compare H 1211, S 1554)	Peer Support for First Responders; Revising the definition of the term "first responder" to include specified support personnel for the provision of peer support, etc. CJ 03/04/2025 Fav/CS AEG RC	Fav/CS Yeas 9 Nays 0
2	SB 168 Bradley (Identical H 1207)	Mental Health; Citing this act as the "Tristin Murphy Act"; expanding the programs and diversion initiatives supported by implementation or expansion grants to include training for 911 public safety telecommunicators and emergency medical technicians for certain purposes and to include veterans treatment court programs; encouraging communities to apply for specified grants to establish misdemeanor or ordinance violation mental health diversion programs; encouraging communities to apply for specified grants to establish pretrial felony mental health diversion programs; expanding eligibility for the Forensic Hospital Diversion Pilot Program to include Hillsborough County, etc. CJ 03/04/2025 Fav/CS AP	Fav/CS Yeas 9 Nays 0
3	SB 276 Wright (Similar H 153)	Sheltering or Aiding Unmarried Minors; Creating a presumption of knowledge upon proof that an unmarried minor has not attained 18 years of age for the purpose of unlawfully sheltering or aiding unmarried minors; providing a defense to unlawfully sheltering or aiding unmarried minors; increasing criminal penalties, etc. CJ 03/04/2025 Favorable CF RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, March 4, 2025, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 402 Wright	Unlawful Use of Uniforms, Medals, or Insignia; Prohibiting persons from wearing the uniform of or any medal or insignia authorized for use by members or veterans of the Space Force, etc. CJ 03/04/2025 Favorable MS RC	Favorable Yeas 8 Nays 0
5	SB 472 Truenow (Identical H 195)	Education in Correctional Facilities for Licensed Professions; Requiring the Correctional Education Program to develop a plan in conjunction with the boards of professions regulated by the Department of Business and Professional Regulation for inmates to take classes for credit toward licensure requirements, etc. CJ 03/04/2025 Favorable ACJ FP	Favorable Yeas 9 Nays 0
6	SB 490 Collins (Identical H 383)	Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, and Military Servicemembers; Providing that law enforcement officers, correctional officers, and military servicemembers are considered to be in compliance with concealed weapons and concealed firearms licensing requirements with valid identification, etc. CJ 03/04/2025 Fav/CS AEG FP	Fav/CS Yeas 7 Nays 1
7	SB 628 Martin (Similar H 289, Compare S 58)	Boating Safety; Citing this act as "Lucy's Law"; revising the definition of the term "livery vessel"; revising and providing penalties for vessel collisions, accidents, and casualties; requiring the suspension of driver licenses for boating under the influence and reckless or careless operation of a vessel; requiring a vessel operator to submit to a blood test without probable cause in cases of death or serious bodily injury, etc. CJ 03/04/2025 Fav/CS TR FP	Fav/CS Yeas 8 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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

BILL: CS/SB 86

INTRODUCER: Criminal Justice Committee and Senator Burgess

SUBJECT: Peer Support for First Responders

DATE: March 5, 2025

REVISED: 3/4/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Fav/CS
2.			AEG	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 86 amends s. 111.09, F.S., to expand the definition of “first responder” to include support personnel as defined in s. 943.10(11), F.S.,¹ who are involved in investigating a crime scene or collecting or processing evidence. Section 111.09, F.S., ensures that first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications.

The bill is not expected to have a fiscal impact on state or local governments. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2025.

II. Present Situation:

First Responders

First responders frequently face challenging and traumatic experiences in their daily duties. They routinely witness fatalities, injuries, and suffering that can take a toll on their emotional wellbeing.

¹ Section 943.10(11), F.S., defines “support personnel” as any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

Critical circumstances surrounding their duties often lead to the onset of conditions such as Post-Traumatic Stress Disorder (PTSD), Secondary PTSD, compression fatigue, and vicarious trauma.² A “first responder”³ is a law enforcement officer,⁴ a correctional officer,⁵ a correctional probation officer,⁶ a firefighter,⁷ or an emergency medical technician⁸ or paramedic,⁹ employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Peer Support for First Responders

Peer support is based on the notion that those who have overcome the impact of stressful and traumatic events are uniquely qualified to assist others dealing with similar experiences through increased awareness and vigilance, empathic responses, and personal validation.¹⁰ Peer support programs can assist individuals facing post-traumatic stress disorder, sleep deprivation, suicide ideations, substance abuse, and depression. Statistics show nearly 30 percent of first responders will develop a behavioral health condition, including but not limited to depression and post-traumatic stress disorder, during the course of their career.¹¹

² The Effects of Trauma on First Responders, <https://www.w-z.com/2024/03/26/the-effects-of-trauma-on-first-responders/> (last visited February 24, 2025).

³ Section 112.1815, F.S.

⁴ Section 943.10(1), F.S., defines “law enforcement officer” as any person any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.

⁵ Section 943.10(2), F.S., defines “correctional officer” as any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

⁶ Section 943.10(3), F.S., defines “correctional probation officer” as any person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

⁷ Section 633.102(9), F.S., defines “firefighter” as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S.

⁸ Section 401.23(12), F.S., defines “emergency medical technician” as a person who is certified by the department to perform basic life support pursuant to this part.

⁹ Section 401.23(18), F.S., defines “paramedic” as a person who is certified by the department to perform basic and advanced life support pursuant to this part.

¹⁰ Journal of Mental Health, *A Review of the Literature on Peer Support in Mental Health Services*, Julie Repper and Tim Carter, (August 2011): 20, no. 4: 392-411, available at <https://pubmed.ncbi.nlm.nih.gov/21770786/> (last visited February 24, 2025).

¹¹ Substance Abuse and Mental Health Services Administration, Disaster Technical Assistance Center Supplemental Research Bulletin, *First Responders: Behavioral Health Concerns, Emergency Response, and Trauma* (May 2018), available at <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletinfirstresponders-may2018.pdf> (last visited February 24, 2025).

The Orlando Firefighters Peer Support Team provides support and wellness to fellow firefighters and their families through the process of listening, providing referrals, and support. None of the members are professional counselors, but they receive extensive training to guide and support individuals through various situations.¹²

A first responder's employing agency or affiliated first responder organization may designate a first responder peer¹³ for the purpose of providing peer support. "Peer support"¹⁴ means the provision of physical, moral, or emotional support to a first responder¹⁵ by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. A "first responder peer"¹⁶ is a person who:

- Is not a health care practitioner as defined in s. 456.001, F.S.
- Has experience working as or with a first responder, including active, volunteer, and retired first responders, regarding any physical or emotional conditions or issues associated with the first responder's employment.
- Has been designated by the first responder's employing agency or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

Peer support is generally confidential. Section 111.09, F.S., provides that the term "peer support communication" means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity. First responder peers are prohibited from divulging information from, or testifying about, a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication, in which case such information may be divulged but is limited to the scope of the proceeding;¹⁷
 - The first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications;¹⁸

¹² Orlando Professional Firefighters Local 1365, *Our Team*, available at <https://www.orlandolocal1365.org/peer-support-3/> (last visited February 24, 2025).

¹³ Section 111.09(1)(c), F.S., defines "peer support peer" as a person who is not a health care practitioner as defined in s. 456.001, F.S.; as experience working as or with a first responder, including active, volunteer, and retired first responders, regarding any physical or emotional conditions or issues associated with the first responder's employment; Has been designated by the first responder's employing agency or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

¹⁴ Section 111.09(1)(d), F.S.

¹⁵ Section 111.09(1)(b), F.S., defines "first responder" as having the same meaning as provided in s. 112.1815, F.S. and includes 911 public safety telecommunicators as defined in s. 401.465, F.S., correctional officers as defined in s. 943.10(2), F.S., and correctional probation officers as defined in s. 943.10(3)F.S.

¹⁶ Section 111.09(1)(b), F.S.

¹⁷ Section 111.09(2)(a), F.S.

¹⁸ Section 111.09(2)(b), F.S.

- Based on the peer support communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; or¹⁹
- There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities.²⁰

Section 111.09, F.S., does not prevent the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a first responder peer from a source other than a first responder through a peer support communication.

Current law provides this confidential peer support communication to first responders, however support personnel is not included in the definition of first responder, and therefore are not entitled to the same peer support. “Support personnel”²¹ is any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

Support positions may include, but are not limited to forensic technicians, crime scene analysts, victim advocates and crime lab technicians. Support positions process traumatic investigations, including death, child abuse, disasters and mass casualty incidents.²²

III. Effect of Proposed Changes:

The bill amends s. 111.09, F.S., to expand the definition of “first responder” to include “support personnel” as defined in s. 943.10(11), F.S. Section 111.09, F.S., ensures that first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications. Support personnel must be involved in investigating a crime scene or collecting or processing evidence, to be eligible for peer support.

This expansion affords support personnel the same protection for peer support communications, especially regarding the confidentiality of the communication between a first responder peer and fellow first responder.

The bill takes effect on July 1, 2025.

¹⁹ Section 111.09(2)(c), F.S.

²⁰ Section 111.09(2)(d), F.S.

²¹ Section 943.10(11), F.S.

²² Email from Chase Daniels, Pasco County Sheriff’s Office, (February 3, 2025) (on file with the Senate Committee on Criminal Justice).

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 is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 111.09

IX. Additional Information:

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

The amendment limits support personnel eligible for peer support to such personnel who are involved in investigating a crime scene or collecting or processing evidence.

- B. **Amendments:**

None.



759878

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2025	.	
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	.	
	.	

The Committee on Criminal Justice (Burgess) recommended the following:

Senate Amendment

Delete line 18
and insert:
943.10(3), and support personnel as defined in s. 943.10(11),
who are involved in investigating a crime scene or collecting or
processing evidence.

By Senator Burgess

23-00269-25

202586__

A bill to be entitled

An act relating to peer support for first responders;
amending s. 111.09, F.S.; revising the definition of
the term "first responder" to include specified
support personnel for the provision of peer support;
providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section
111.09, Florida Statutes, is amended to read:

111.09 Peer support for first responders.—

(1) For purposes of this section, the term:

(b) "First responder" has the same meaning as provided in
s. 112.1815 and includes 911 public safety telecommunicators as
defined in s. 401.465, correctional officers as defined in s.
943.10(2), ~~and~~ correctional probation officers as defined in s.
943.10(3), and support personnel as defined in s. 943.10(11).

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 15, 2025

I respectfully request that **Senate Bill # 86**, relating to Peer Support for First Responders, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

CC: Amanda Stokes, Staff Director
CC: Tori Denson, Committee Administrative Assistant



PASCO SHERIFF'S OFFICE 2025 LEGISLATIVE PLATFORM ADDING SUPPORT PERSONNEL TO PEER SUPPORT STATUTE

Under Florida law, peer support exists to help support first responders. Notably, according to Florida Statute 111.09, "Peer support" means the provision of physical, moral, or emotional support to a first responder by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder.

Through peer support, except in limited circumstances, communication between the first responder and their peer are confidential. This confidentiality provides an environment where a first responder feels comfortable seeking help and can prevent future tragedies. Currently, Florida's peer support statute provides this vital protection for law enforcement, firefighters, EMTs, paramedics, 911 telecommunicators and corrections officers.

Notably, the statute does not include support personnel, which are defined as any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system in Florida Statute 943.10.

For our agency and many others, many of the "support personnel" have similar trauma exposures to law enforcement officers.

For example, a civilian forensics investigator may spend multiple shifts processing a homicide scene. These support personnel routinely process infant death investigations and would be expected to process mass casualty incidents at well, along with many other traumatic situations where they may be needed.

Therefore, to protect the mental health of these critically important support personnel, it is important to afford them the same opportunities of peer support.

3/4/2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

86

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Chase Daniels**

Phone **727-277-6226**

Address **8661 Citizens Dr**

Email **cdaniels@pascosheriff.org**

Street

New Port Richey

FL

34654

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:

Pasco Sheriff's Office

☐ 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)

March 4, 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 0086

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 85-219-3631

Address 2636 Mitcham Drive

Email jpritt@fpca.com

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 Police Chiefs 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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

March 4, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

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

86

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

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:

Fla. Smart Justice Alliance

☐ 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 RECORD3/4/25

Meeting Date

CJ

Committee

Deliver both copies of this form to
Senate professional staff conducting the meetingSB 86

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lt. Abby Hilley

Phone

321-229-7054

Address

Street

Email

abby.hilley@ccsopf.com

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:Orange County
Sheriff's Office☐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 Committee on Criminal Justice

BILL: CS/SB 168

INTRODUCER: Criminal Justice Committee and Senator Bradley

SUBJECT: Mental Health

DATE: March 5, 2025

REVISED: 3/4/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 168, entitled the “Tristin Murphy Act,” aims to add alternative pathways to prosecuting defendants with mental illnesses.

The bill amends s. 916.105, F.S., to provide legislative intent that a defendant who is charged with certain felonies, any misdemeanor, or any ordinance violation and who has a mental illness, intellectual disability, or autism be evaluated and provided services in a community setting, when this is a feasible alternative to incarceration. Additionally, it is the intent of the legislature to provide law enforcement officers with crisis intervention team training.

Misdemeanor and Felony Diversion

The bill creates ss. 916.135, and 916.136, F.S., to provide model processes for a misdemeanor or ordinance violation mental health diversion program, and a pretrial felony mental health diversion program. The bill provides the process for screening a defendant to determine if there is an indication of a mental illness and diverting certain defendants to treatment.

The bill amends s. 394.658, F.S., to expand programs and diversion initiatives supported by the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program to include veterans treatment court programs and training for 911 public safety telecommunicators and emergency medical technicians. The bill provides an exception from providing matching local funds to fiscally constrained counties. A community desiring to establish a misdemeanor or felony mental health diversion program is encouraged to apply for such grants.

Additional Mental Health Provisions

The bill amends s. 916.185, F.S., to authorize the Department of Children and Families (DCF) to implement a Forensic Hospital Diversion Pilot Program modeled after the Miami-Dade Forensic Alternative Center in Hillsborough County, in conjunction with the Thirteenth Judicial Circuit in Hillsborough County.

The bill creates s. 945.093, F.S., to require the Department of Corrections (DOC) to evaluate, at a minimum, the physical and mental health of each inmate eligible for a work assignment or correctional work program. The bill requires the DOC to document approval of eligibility before such inmate receives orders for the assignment or program. The bill allows for the DOC to use discretion.

The bill creates s. 948.0395, F.S., to provide that a defendant who was adjudicated incompetent to proceed due to a mental illness and later regained competency, and who is sentenced to probation, must have a mental health evaluation and follow recommendations as a condition of such probation.

The Florida Behavioral Health Care Data Repository

The bill amends s. 1004.649, F.S. to establish the Florida Behavioral Health Care Data Repository (data repository) within the Northwest Regional Data Center (NWRDC). The data repository is created to collect and analyze existing statewide data related to behavioral health care in the state. This data analysis is intended to:

- Better understand the scope and trends in behavioral health services, spending, and outcomes.
- Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration.
- Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.

The bill requires the NWRDC to collaborate with the state Commission on Mental Health and Substance Use Disorder to develop and submit an implementation plan and proposed budget for the data repository by December 1, 2025.

The bill requires the data repository to submit an annual report on the trends and issues the repository has identified to the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning July 1, 2026.

The bill may have a negative indeterminate impact (unquantifiable decrease in prison beds). Additionally, the bill may have an indeterminate negative impact due to funds needed to establish the data repository. *See Section V., Fiscal Impact Statement.*

The bill is effective on October 1, 2025.

II. Present Situation:

On January 11, 2024, Cynthia Murphy spoke to the Florida Senate Committee on Criminal and Civil Appropriations about her son Tristin Murphy's battle with mental health challenges within the DOC. Tristin Murphy was a 37-year-old father of two boys.

On September 16, 2021, Tristin Murphy died by suicide on a landscaping work assignment at a Florida state prison. Murphy had been diagnosed with schizophrenia, paranoia and delusions, and was serving a term of imprisonment for an offense of littering more than 500 pounds after having driven his truck into a retention pond. The judge in Murphy's case is urging the Legislature to address the growing crisis of needlessly placing people with mental illnesses in the criminal justice system.¹

Nationally, Florida ranks fourth for the highest number of people with mental illness and substance use disorder and at the same time, does not have the existing capacity to meet treatment demand; Florida ranks 49th out of 50 states for access to health insurance and mental health treatment.² More than two percent of Florida's incarcerated population has been diagnosed with a mental health disorder and the DOC estimates that nearly 60 percent of incarcerated individuals have a substance use disorder. Alarming, only about one-third of these individuals receive services.³

Behavioral Health

Behavioral health generally refers to mental health and substance use disorders, life stressors and crises, and stress-related physical symptoms.⁴ Behavioral health care refers to the prevention, diagnosis, and treatment of those conditions.⁵

In 2023, the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) estimates that 22.8% of the U.S. population experienced some form of mental illness, known as any mental illness (AMI); this is approximately 58.7 million Americans.⁶ Of the 58.7 million Americans with AMI, 5.7% had serious mental illness.⁷

¹ CBS, *Judge Speaks Out on Tristin Murphy Case*, Jim DeFede (November 17, 2023), available at: <https://www.cbsnews.com/miami/news/judge-speaks-out-on-tristin-murphy-case/> (last visited March 3, 2025).

² Mental Health America, *The State of Mental Health in America 2022*, Reinert, M., Fritze, D., & Nguyen, T. (2022), available at: <https://mhanational.org/sites/default/files/2022%20State%20of%20Mental%20Health%20in%20America.pdf> (last visited March 3, 2025).

³ The Commission on Mental Health and Substance Use Disorder, *Annual Interim Report*, (January 1, 2024), available at: <https://www.myflfamilies.com/sites/default/files/2024-01/Commission%20on%20Mental%20Health%20Substance%20Abuse%20Interim%20Report%201.1.2024.pdf> (last visited March 3, 2025).

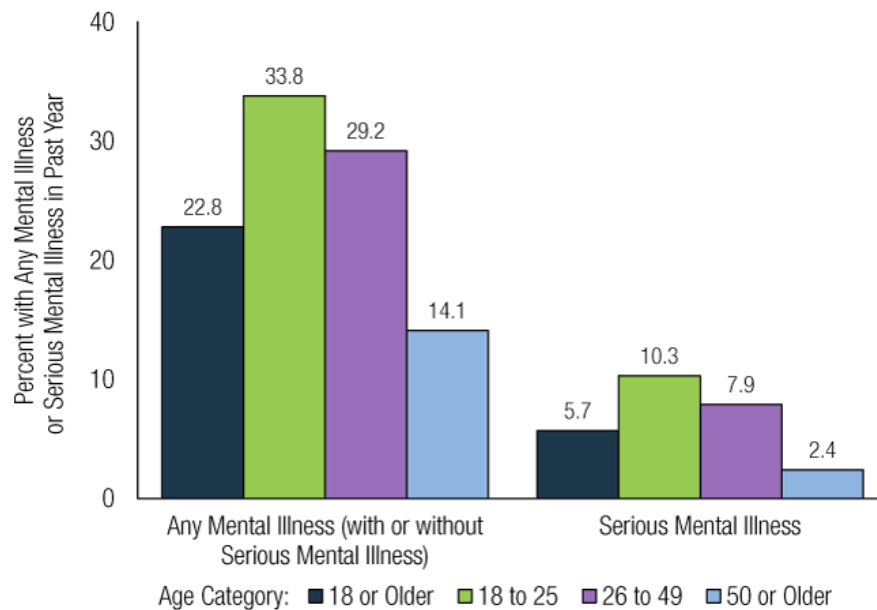
⁴ The American Medical Association, *What is behavioral health?*, available at: <https://www.ama-assn.org/delivering-care/public-health/what-behavioral-health> (last visited March 3, 2025).

⁵ *Id.*

⁶ U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, *Key Substance Use and Mental Health Indicators in the United States: Results from the 2022 National Survey on Drug Use and Health*, pg. 34, available at: <https://www.samhsa.gov/data/release/2023-national-survey-drug-use-and-health-nsduh-releases> (last visited March 3, 2025).

⁷ *Id.*

***Any Mental Illness (AMI) or Serious Mental Illness (SMI) in the Past Year:
Adults aged 18 or Older⁸***



Research has shown that individuals with mental and substance use disorders are often over-represented in the justice system.⁹ In 2016, the Bureau of Justice Statistics found that 41% of all state and federal prisoners had a history of a mental health problem, with 13% meeting the threshold for serious psychological distress 30 days prior to the data collection.¹⁰ If individuals do not receive the adequate treatment, incarceration is associated with worsening symptoms and increased length of incarceration.¹¹

Behavioral Health Care

A “coordinated system of care” refers to the full array of behavioral and related services available in a region or community. These services may be offered through managing entities,¹² community partners, or another service provider.¹³ Several state agencies are involved in the coordination of behavioral health services for individuals and collect data on the behavioral services available to individuals.

⁸ *Id.*

⁹ U.S. Substance Abuse and Mental Health Services Administration, *About Criminal and Juvenile Justice*, available at: <https://www.samhsa.gov/communities/criminal-juvenile-justice/about> (last visited March 3, 2025).

¹⁰ U.S. Bureau of Justice Statistics, *Indicators of Mental Health Problems Reported by Prisoners: Survey of Prison Inmates, 2016*, available at: <https://bjs.ojp.gov/library/publications/indicators-mental-health-problems-reported-prisoners-survey-prison-inmates> (last visited March 3, 2025).

¹¹ U.S. Substance Abuse and Mental Health Services Administration, *About Criminal and Juvenile Justice*, available at: <https://www.samhsa.gov/communities/criminal-juvenile-justice/about> (last visited March 3, 2025).

¹² “Managing entity” refers to a corporation selected by and under contract with the DCF to manage the daily operational delivery of behavioral health services through a coordinated system of care. See Section 394.9082, F.S.

¹³ Section 394.9082, F.S.

The Department of Children and Families

The DCF is required to annually assess the behavioral health services available in the state.¹⁴ Florida law requires the coordinated system of care to include:¹⁵

- Community interventions, such as prevention, primary care for behavioral health needs, therapeutic and supportive services, crisis response services, and diversion programs.
- A designated receiving system that consists of one or more facilities serving a defined geographic area and responsible for assessment and evaluation, both voluntary and involuntary, and treatment or triage of patients who have a mental health or substance use disorder, or co-occurring disorders.

The DCF is directed to collaborate with the Agency for Health Care Administration (AHCA) to administer and supervise all mental health facilities, programs, and services.¹⁶

The DCF and AHCA are required by law to jointly establish behavioral health interagency collaboratives that are aimed at identifying and addressing ongoing challenges within the behavioral health system at the local level.¹⁷

The Florida Mental Health Act

The Florida Mental Health Act pursuant to ss. 394.451-394.47892, F.S., authorizes the DCF to plan, evaluate, and implement a complete and comprehensive statewide program of mental health, including community services, receiving and treatment facilities, child services, research, and training as authorized and approved by the Legislature, based on the annual program budget of the department.¹⁸

In accordance with this act, a person may be taken to a receiving facility¹⁹ for involuntary examination if there is reason to believe that the person has a mental illness and because of his or her mental illness:

- The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or
- The person is unable to determine for himself or herself whether examination is necessary and without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing, able, and responsible family members or friends or the provision of other services; or there is a substantial likelihood that without care or treatment the person will

¹⁴ Section 394.4573, F.S.

¹⁵ Section 394.4573, F.S.

¹⁶ Section 394.457, F.S.

¹⁷ Section 394.90826, F.S.

¹⁸ Section 394.457(2)(a), F.S.

¹⁹ “Receiving facility” means a public or private facility or hospital designated by the department to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider. The term does not include a county jail. Section 394.455(40), F.S.

cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.²⁰

An involuntary examination can be initiated by a circuit or county court, a law enforcement officer, or by a physician, or other specified persons²¹, when he or she has examined the person within the past 48 hours, and finds that the person appears to meet criteria.²² The examination period must be for up to 72 hours and begins when a patient arrives at the receiving facility. Within the examination period, one of the following actions must be taken, based on the needs of the patient:

- The patient is released, unless he or she is charged with a crime, in which the patient is released into the custody of a law enforcement officer;
- The patient is released for voluntary outpatient treatment;
- The patient, unless charged with a crime, must be asked to give express and informed consent to placement as a voluntary patient; or,
- A petition for involuntary services is filed in the circuit court or county court, as applicable.²³

Diversion Programs

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.

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.²⁴

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.

²⁰ Section 394.463(1), F.S.

²¹ Other specified persons include a physician assistant, a clinical psychologist, a psychiatric nurse, an advanced practice registered nurse registered under s. 464.0123, F.S., a mental health counselor, a marriage and family therapist, or a clinical social worker. Section 394.463(2)(a)3., F.S.

²² Section 394.463(2)(a), F.S.

²³ Section 394.463(2)(g), F.S.

²⁴ Florida Courts, Office of Problem-Solving Courts, *Background*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited March 3, 2025).

- 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.
- 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.²⁵

The Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant

In 2007, the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program was created and funded for the purpose of providing funding to counties with which they can plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal justice, and improve the accessibility and effectiveness of treatment services for adults or juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems.²⁶

The Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee has established requirements and application criteria to apply for a 1-year planning grant or a 3-year implementation or expansion grant.

- The application criteria for a 1-year planning grant requires the applicant county or counties to have a strategic plan to initiate systemic change to identify and treat individuals who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders who are in, or at risk of entering, the criminal or juvenile justice systems.²⁷
- The application criteria for a 3-year implementation or expansion grant requires information from a county demonstrating its completion of a well-established collaboration plan that includes public-private partnership models and the application of evidence-based practices.²⁸

Grants may not be awarded unless the applicant county makes available resources in an amount equal to the amount of the grant. For fiscally constrained counties,²⁹ the available resources may be at 50 percent of the total amount of the grant. The counties that have been awarded funding for an implementation or expansion grant are Alachua, Duval, Flagler, Gadsden, Lee, Leon, Levy, Manatee, Pinellas, and Sarasota.

The implementation or expansion grants may be used to fund local programs and diversion initiatives including, but not limited to, the following:

- Mental health courts.
- Diversion programs.
- Crisis intervention teams.

²⁵ Florida Courts, Office of Problem-Solving Courts, *Defining Elements*, available at: <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts> (last visited March 3, 2025).

²⁶ Chapter 2007-200, L.O.F.

²⁷ Section 394.658(1)(a), F.S.

²⁸ Section 394.658(1)(b), F.S.

²⁹ There are currently six counties that are considered “fiscally constrained” and are the recipients or applicants of funding. Those counties include Dixie, Gadsden, Glades, Hendry, Levy, and Okeechobee. See Florida Department of Children and Families, Office of Substance Abuse and Mental Health, *Criminal Justice Reinvestment Grants*, (On file with the Committee on Criminal Justice).

- Specialized training for criminal justice, juvenile justice, and treatment service professionals.³⁰

To date, Florida's Reinvestment Grant has served more than 12,000 Floridians and diverted more than 54 million dollars from the criminal justice system in jail-day savings.³¹

Miami Dade

Pretrial Mental Health Diversion

In 2000, the Eleventh Judicial Circuit's Criminal Mental Health Project (CMHP) was established to divert nonviolent misdemeanor defendants with mental illnesses, or co-occurring mental illness and substance use disorders, from the criminal justice system into community-based treatment and support services. Since then, the program has expanded to serve defendants that have been arrested for less serious felonies and other charges as deemed appropriate. The program operates on two components: pre-booking diversion consisting of Crisis Intervention Team (CIT) training for law enforcement officers and post-booking diversion serving individuals booked into the jail and awaiting adjudication. All post-booking participants are provided with individualized transition planning including linkages to community-based treatment and support services.³²

Miami Dade Forensic Alternative Center (MDFAC)

Section 916.185, F.S., created the Forensic Hospital Diversion Pilot Program. This pilot program was modeled after the MDFAC while considering the local needs and resources of each participating county.

The Legislature, by finding jail inmates with serious mental illnesses could be served more effectively and at less cost in community-based alternative programs, created the Forensic Hospital Diversion Pilot Program to serve offenders who have mental illnesses or co-occurring mental illnesses and substance abuse disorders and who are at risk of entering state forensic mental health treatment facilities, prison, jails, or state civil mental health treatment facilities.

Since 2009, the CMHP has overseen the implementation of the MDFAC. Participants include individuals charged with second and third degree felonies that do not have significant histories of violent felony offenses and are not likely to face incarceration if convicted of their offenses. Participants are adjudicated incompetent to proceed to trial or not guilty by reason of insanity. Unlike individuals admitted to state forensic treatment facilities, individuals served by the MDFAC are not returned to jail upon restoration of competency. The Eleventh Judicial Circuit states individuals admitted to the MDFAC program are identified as ready for discharge from forensic commitment an average of 52 days sooner than those who complete competency

³⁰ Section 394.658(1)(b), F.S.

³¹ University of South Florida, Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program, *Annual Report 2022-2023*, available at: <https://www.usf.edu/cbcs/mhlp/tac/documents/florida-main/cjmhsa-tac-reports/annual-reports/cjmhsatacannualreportfinalwebsiteupload.pdf> (last visited March 3, 2025).

³² Eleventh Judicial Circuit of Florida, *Criminal Mental Health Project*, pg. 3, (December 2021), available at: <https://www.jud11.flcourts.org/docs/CMHP%20Program.pdf> (last visited March 3, 2025).

restoration services in forensic treatment facilities, spend an average of 31 fewer days under forensic commitment, and the average cost of services is roughly 32% less expensive than state forensic treatment facilities.³³

Section 916.185, F.S., provides eligibility criteria for participation in the Forensic Hospital Diversion Pilot Program, and limits participation to offenders who:

- Are 18 years of age or older.
- Are charged with a second or third degree felony.
- Do not have a significant history of violent criminal offenses.
- Are adjudicated incompetent to proceed to trial or not guilty by reason of insanity.
- Meet public safety and treatment criteria established by the department for placement in a community setting.
- Otherwise would be admitted to a state mental health treatment facility.

Currently, the following counties authorized to implement a Forensic Hospital Diversion Pilot Program are Okaloosa, Duval, Broward, and Miami-Dade.

Department of Corrections

The Department of Corrections is responsible for the inmates and for the operation of, and has supervisory and protective care, custody, and control of, all buildings, grounds, property of, and matters connected with, the correctional system. Additionally, the DOC is to maximize the use of inmate labor in the construction of inmate housing and the conduct of all maintenance projects so that such activities provide work opportunities for the optimum number of inmates in the most cost-effective manner.³⁴

Corrections Mental Health Act

The Corrections Mental Health Act found in ss. 945.40-945.49, F.S., outlines the processes for treating mentally ill inmates who are already in the custody of the DOC to receive an evaluation and appropriate treatment for their mental illness through a continuum of services. The DOC must provide mental health services to inmates committed to the DOC and may contract with entities, persons, or agencies qualified to provide such services.³⁵ Mental health treatment facilities are required to be secure, adequately equipped and staffed, and provide services in the least restrictive manner consistent with optimum improvement of the inmate's condition.³⁶

Correctional Work Programs

There are several statutes to address different work programs within the DOC. Currently, the DOC is not required to address the mental health of an inmate when considering an inmate for job and program assignments.

³³ Eleventh Judicial Circuit of Florida, *Criminal Mental Health Project*, pg. 9-10, (December 2021), available at: <https://www.jud11.flcourts.org/docs/CMHP%20Program.pdf> (last visited March 3, 2025).

³⁴ Section 945.04, F.S.

³⁵ Section 945.41(1), F.S.

³⁶ Section 945.41(2), F.S.

Pursuant to s. 945.092, F.S., a person who has ever been convicted, regardless of adjudication, of the offense of escape, is not eligible for any work-release program under s. 945.091, F.S.

Inmate training programs for eligible inmates are established within ss. 945.71- 945.74, F.S., which include, but are not limited to, marching drills, calisthenics, a rigid dress code, work assignments, physical training, training in decision making and personal development, drug counseling, education, and rehabilitation.³⁷ Pursuant to s. 945.72, F.S., upon receipt of an inmate into the prison system, the DOC must screen the inmate for the training program. To participate, an inmate must have no physical limitations which would preclude participation in strenuous activity and must not be impaired. Additionally, in screening an inmate for the program, the department must consider the inmate's criminal history and the possible rehabilitative benefits of "shock" incarceration.³⁸

The DOC may allow inmates to cultivate food items grown on farms or in gardens generally, as needed and used in the state institutions, and may use the services of inmates to perform such work as needed.³⁹ Additionally, the DOC is authorized to make rules governing the work and supervision of inmates used in public works projects and is allowed to enter into agreements with political subdivisions⁴⁰ in the state, including municipalities; with such agencies and institutions of the state; and with such nonprofit corporations to use the services of inmates⁴¹.

As part of the reception process,⁴² inmates are evaluated to determine basic literacy, employment skills, academic skills, vocational skills, and remedial and rehabilitative needs.⁴³ The evaluation prescribes education, work, and work-training for each inmate and is required to be reviewed every six months to ensure proper placement based on bed space availability. It is an objective and priority for inmates to be assigned to correctional work programs to meet the needs of the work requirements of the DOC, including essential operating functions, revenue-generating contracts, remaining operational functions, and nonrevenue-generating contracts.⁴⁴

The DOC'S rule 33-601.201 defines "assignment" as the work or program that an inmate has been assigned to by the department staff. The staff is required to consider factors including the "type of work assignment and level of skill required, the inmate's disciplinary history, the

³⁷ Section 945.73(1), F.S.

³⁸ "Shock incarceration" otherwise known as "boot camp prisons," are designed to confine inmates for a short period of time with the intention to rehabilitate and instill discipline in certain cases of nonviolent offenders. Styled after military boot camps, shock incarceration requires inmates to participate in rigorous physical training and various rehabilitative, educational, and vocational programs. Brooklyn Law Review, *Shock Incarceration and Parole A Process Without Process*, pg. 1322, Adam Yefet (2016), available at:

<https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1502&context=blr> (last visited March 3, 2025).

³⁹ Section 946.205, F.S.

⁴⁰ "Political subdivision" includes counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state. Section 1.01(8), F.S.

⁴¹ Section 946.40, F.S.

⁴² "Upon an inmate's arrival at a reception center, such inmate is processed, tested, evaluated by health services, assessed for program needs, and his or her custody (security risks) is determined." Florida Department of Corrections, *Institutions*, available at: <https://www.fdc.myflorida.com/institutions> (last visited March 3, 2025).

⁴³ Section 946.511(1), F.S.

⁴⁴ Section 946.511(1) (a) and (c), F.S.

inmate’s arrest and conviction history, and the needs of the institution” when determining such inmate’s assignment eligibility.⁴⁵

Data Collection

The Department of Management Services (DMS) oversees information technology (IT) governance and security for the executive branch of the State government.⁴⁶ The DMS is responsible for providing operational management and oversight of the state data center.⁴⁷

Northwest Regional Data Center

In 2011, the NWRDC at Florida State University was designated a state primary data center.⁴⁸ This designation, with prescribed state agency customer requirements, allowed state agencies to enter into service level agreements with NWRDC to provide data center services.⁴⁹ A service level agreement is defined in law as a written contract between DMS and a customer entity which specifies the scope of services provided, the service level, the duration of the agreement, the responsible parties, and service costs.⁵⁰ In 2022, the NWRDC assumed all functions, records, personnel, contracts, interagency agreements, and assets of the DMS State Data Center.⁵¹ Currently, the NWRDC contracts with 30 state agencies.⁵²

Commission on Mental Health and Substance Use Disorder

In 2021, the Legislature created the Commission on Mental Health and Substance Use Disorder (Commission) to examine the current methods of providing mental health and substance use disorder services in the state.⁵³ The Commission is composed of a variety of stakeholders that represent different parts of the behavioral health system in the state, including members of the Legislature, state agency officials, service providers, mental health professionals, and individuals who receive state behavioral health services.⁵⁴

The Commission is required to provide the Legislature with policy recommendations to improve the services the state provides. Additionally, the Legislature directs a Data Analysis sub-committee of the Commission to review data collection, reporting mechanisms, and other data resources for behavioral health services.⁵⁵

⁴⁵ Rule 33-601.201 (8)

⁴⁶ Section 282.0051, F.S.

⁴⁷ Section 282.201, F.S.

⁴⁸ Chapter 2011-63, Laws of Fla.

⁴⁹ *Id.*

⁵⁰ Section 282.0041(31), F.S.

⁵¹ Chapter 2022-153, Laws of Fla.

⁵² Northwest Regional Data Center, *Annual Report 23/24*, available at: <https://www.nwrdc.fsu.edu/> (last visited March 3, 2025).

⁵³ Florida Department of Children and Families, *Commission on Mental Health and Substance Use Disorder*, available at: <https://www.myflfamilies.com/services/samh/commission-mental-health-and-substance-use-disorder> (last visited March 3, 2025).

⁵⁴ Section 394.9086(3), F.S.

⁵⁵ *Id.*

Statewide Florida Behavioral Healthcare Data Repository

In its annual interim report in 2024, the Commission recommends the creation of a centralized Florida Behavioral Healthcare Data Repository that provides information on the prevalence, cost, access, quality, and outcomes for behavioral health services in Florida.⁵⁶ The data repository is intended to standardize data entry, enhance data organization, improve accessibility and timeliness of data sharing, and support future research as more data becomes available.⁵⁷ Through a data analysis of the current behavioral health services available in Florida, the data repository is expected to facilitate the identification of service gaps and connections with local partners and coalitions that can be expanded.⁵⁸

III. Effect of Proposed Changes:

The bill is relating to mental health and provides the title as the “Tristin Murphy Act”.

The bill amends s. 916.105, F.S., to provide legislative intent that a defendant who is charged with certain felonies, any misdemeanor, or any ordinance violation and who has a mental illness, intellectual disability, or autism be evaluated and provided services in a community setting, when this is a feasible alternative to incarceration. Additionally, it is the intent of the legislature to provide law enforcement officers with crisis intervention team training.

Misdemeanor Diversion

The bill creates s. 916.135, F.S., to provide a model process for a misdemeanor or ordinance violation mental health diversion program for diverting certain defendants to treatment. The bill allows for the process to be modified according to each community’s particular resources, however a community that obtains a grant under s. 394.658, F.S., must adhere to these processes to the extent that local resources are available to do so. For a defendant to participate in the diversion program, he or she must sign a consent form. The consent form must include:

- The defendant’s consent to treatment,
- The defendant’s consent to release any records necessary to demonstrate compliance and completion of treatment, and
- That the defendant agrees to waive his or her right to speedy trial by participating in the diversion program.

The bill provides a process for screening a defendant, within 24 hours of being booked into a jail, by using a standardized validated mental health screening instrument to determine if there is an indication of a mental illness, and if so, allows for the defendant to be evaluated for involuntary examination pursuant to s. 394.463, F.S., by a qualified mental health professional. The qualified mental health professional may evaluate the defendant as if he or she is at liberty in the community, and may not rely on the defendant’s incarcerated status to defeat the involuntary examination criteria.

⁵⁶ Commission on Mental Health and Substance Use Disorder Annual Interim Report 2025, available at: <https://www.myflfamilies.com/services/samh/commission-mental-health-and-substance-use-disorder> (last visited March 3, 2025).

⁵⁷ *Id.*

⁵⁸ *Id.*

If a defendant meets the criteria for involuntary examination, the qualified mental health professional may issue a professional certificate. Upon issuance of a professional certificate, the defendant must be transported within 72 hours to a receiving facility for further evaluation for involuntary examination.

- If criteria are met, the receiving facility may forward the court a discharge plan when the defendant no longer meets the criteria for inpatient treatment, or an outpatient treatment plan, if appropriate.
- If the defendant does not meet the criteria for involuntary services, the receiving facility may issue an outpatient treatment plan and forward it to the court, or a facility may notify the court that no treatment is necessary.

The court, upon receipt of a discharge plan or an outpatient treatment plan, may consider releasing the defendant on his or her own recognizance on the condition he or she comply fully with the discharge plan or outpatient treatment plan. The state attorney and the defense must have an opportunity to be heard before the court releases the defendant.

If a professional certificate is not issued, but a defendant has a mental illness, the bill requires the court to order the defendant be assessed for outpatient treatment by a local mental health treatment center. This assessment may be completed:

- At the jail via telehealth by the local mental health treatment center;
- By the sheriff or jail authorities transporting the defendant to and from the local mental health treatment center for the assessment; or
- By releasing the defendant on the condition the assessment be completed at the local mental health treatment center within 48 hours after his or her release.

If the assessment results in an outpatient treatment plan, and the defendant has not already been released, the defendant may be released on his or her own recognizance on the condition that all treatment recommendations must be followed. The state attorney and the defense attorney must have an opportunity to be heard before such release.

The bill allows for the evaluation or assessment of a defendant, released from custody on pretrial release before the completion of this process, to be ordered at any time by the court at the request of the state attorney or the defense attorney, or on the court's own motion.

Upon the defendant's successful completion of all treatment recommendations from any mental health evaluation or assessment completed, the state attorney must consider the dismissal of the defendant's charges. If deemed inappropriate, the state attorney may refer the case to a mental health court or another mental health diversion program. If the defendant fails to comply with the discharge or outpatient treatment plan, the court may exhaust therapeutic interventions aimed at improving compliance before considering returning the defendant to jail.

Felony Diversion

The bill creates s. 916.136, F.S., to provide a model process for a pretrial felony mental health diversion program to divert clinically appropriate defendants from jails to treatment. The bill allows for the process to be modified according to each community's particular resources. To

participate in the diversion program, a defendant must sign a consent form. The consent form must include:

- The defendant's consent to treatment,
- The defendant's consent to release any records necessary to demonstrate compliance and completion of treatment, and
- That the defendant agrees to waive his or her right to speedy trial by participating in the diversion program.

A defendant may be eligible for the pretrial felony mental health diversion program if he or she meets the following criteria:

- Has a mental illness;
- Has no more than three prior felony convictions in the past five years;
- Is not charged with a violent felony; and,
- Does not have a significant history of violence.

The state attorney has the sole discretion to determine eligibility for the program, regardless of whether criteria are met. The state attorney may also waive criteria in extenuating circumstances.

At any stage in the pretrial process, the state attorney may recommend a defendant be screened using a standardized validated mental health screening instrument to determine if there is an indication of mental illness. Such screening may be completed by the jail's corrections or medical staff or by any qualified mental health professional, and such results must be forwarded to the state attorney and the defense attorney.

If a defendant's mental health screening indicates mental illness, the state attorney may consider an offer of pretrial felony mental health diversion. Participation is voluntary, and if agreed upon by the defendant, requires the defendant to be assessed for outpatient treatment. This assessment may be completed:

- At the jail via telehealth by the local mental health treatment center;
- By the sheriff or jail authorities transporting the defendant to and from the local mental health treatment center for the assessment; or
- Be completed at the local mental health treatment center within 48 hours after his or her release.

If the assessment results in an outpatient treatment plan and the defendant has not been released, the defendant may be released on his or her own recognizance on the condition that all treatment recommendation be followed.

If the defendant successfully completes the treatment recommendations from the mental health evaluation or assessment, the state attorney must consider dismissal of the charges. If the defendant fails comply with pretrial release, or any aspect of treatment, the state attorney may revoke the defendant's participation in the program.

The bill amends s. 394.658, F.S., to expand programs and diversion initiatives supported by the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program to include veterans treatment court programs and training for 911 public safety telecommunicators and

emergency medical technicians to assist in determining the most appropriate response team. The bill provides an exception from providing matching local funds to fiscally constrained counties seeking a 1-year planning grant or a 3-year implementation or expansion grant. A community desiring to establish a misdemeanor or felony mental health diversion program is encouraged to apply for such grants.

Additional Mental Health Provisions

The bill amends s. 916.185, F.S., to authorize the DCF to implement a Forensic Hospital Diversion Pilot Program modeled after the MDFAC in Hillsborough County, in conjunction with the Thirteenth Judicial Circuit in Hillsborough County.

The bill creates s. 945.093, F.S., to require the DOC to evaluate, at a minimum, the physical and mental health of each inmate eligible for a work assignment or correctional work program. The bill requires the DOC to document approval of eligibility before such inmate receives orders for the assignment or program. The bill allows for the DOC to use discretion in determining whether an inmate is appropriate for an assignment.

The bill creates s. 948.0395, F.S., to provide that a defendant who was adjudicated incompetent to proceed due to a mental illness and later regained competency, and who is sentenced to probation, must have a mental health evaluation and follow recommendations as a condition of such probation.

Florida Behavioral Health Care Data Repository

The bill amends s. 1004.649, F.S. to create the Florida Behavioral Health Care Data Repository within the NWRDC as the administrative manager of the State Data Center. The data repository is created to:

- Collect and analyze existing statewide behavioral health care data to:
 - Better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral health services.
 - Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration of individuals with mental illness.
 - Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.
- Develop useful data analytics, economic metrics, and visual representations of such analytics and metrics to inform relevant state agencies and the Legislature of data and trends in behavioral health.

The bill requires the NWRDC to develop a plan that:

- Creates a centralized, integrated, and coordinated data system.
- Develop, in collaboration with the Data Analysis Committee of the Commission on Mental Health and Substance Use Disorder, a governance structure that allows for the operation of the repository.

- Incorporates existing data from relevant state agencies, including, but not limited to, the AHCA, the DCF, the Department of Juvenile Justice (DJJ), the Office of the State Courts Administrator (OSCA), and the DOC.
- Identifies relevant data and metrics to support actionable information and ensure efficient and responsible use of taxpayer dollars within the behavioral health systems of care.
- Develops and details data security requirements for the repository.
- Develops, in collaboration with the Commission on Mental Health and Substance Use Disorder and relevant stakeholders, a structure for an annual analysis and report that gives state agencies and the Legislature better understanding of trends and issues in the state's behavioral health systems of care generally and the trends and issues in behavioral health systems related to criminal justice treatment, diversion, and incarceration.

The bill requires the NWRDC to collaborate with the Data Analysis Committee of the Commission on Mental Health and Substance Use Disorder to submit a developed plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill requires the plan to include information on the implementation and ongoing operation of the data repository with a proposed budget. The plan must be submitted by December 1, 2025.

The bill requires the Florida Behavioral Health Care Data Repository to annually submit, beginning July 1, 2026, the developed trends and issues report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill is effective on October 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 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:**State Government**

This bill may increase the demand on Baker Act receiving facilities serving defendants who meet the criteria for involuntary examination.

The DOC facilities may see a potential increase in cost-savings due to certain misdemeanor and felony offenders being diverted from incarceration in a state correctional facility.

Local Government

The bill may increase the need for additional staff to screen offenders, or to transport them to and from receiving facilities. It may also have an impact on courts if additional staff are needed due to an increase in offenders being diverted.

Local jails may see a potential increase in cost-savings due to certain misdemeanor and felony offenders being diverted from detention or incarceration. Local jails may also see an increase in cost spending due to the transportation of offenders for evaluations.

Data Repository

The Commission on Mental Health and Substance Use Disorder has identified that the creation and planning of the data repository will require \$794,880. The following table displays a breakdown of the anticipated costs:

Service	Annual Cost	Description/ Justification
Sr. Project Manager	\$229,840	Project Manager w/ experience in data projects in the behavioral health sector. Coordinates the project team.
Data Engineer/ Designer	\$202,800	Specialized software developer who focuses on data integration. Designs the systems that will answer questions being asked of the system. Data analysis to inform database construction and access control.
Behavioral Health Data Expert	\$162,240	Behavioral health data expert identifies needed data for inclusion in the database and infer analyses that can be completed with identified data. Specific knowledge and subject matter expert to work closely with the data designer to tailor the data collection and outputs.

Data Catalog	\$200,000	Allows for system users to engage in data discovery with AI-assisted search, contextual results, auto-enrichment, and data lineage. Establishment of a data catalog reduces workload and provides quick context and defined meaning to complex raw data.
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VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.658, 916.105, 916.185, and 1004.649.

This bill creates the following sections of the Florida Statutes: 916.135, 916.136, 945.093, and 948.0395.

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 4, 2025:

The committee substitute:

- Provides a technical change to ensure the provision relating to the assessment and release of a defendant applies to all situations in which a defendant may be assessed for the program.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2025	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment

Delete lines 375 - 499
and insert:
be followed.

If the assessment under this paragraph results in an outpatient
treatment plan, and the defendant has not already been released,
the defendant may be released on his or her own recognizance on
the condition that all treatment recommendations must be



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11 followed. The state attorney and the defense attorney must have
12 an opportunity to be heard before the court releases the
13 defendant.

14 (f) If the defendant is released from the custody of the
15 jail on pretrial release at any point before the completion of
16 the process in this section, evaluation or assessment of the
17 defendant under this section by a qualified mental health
18 professional may be initiated at any time by order of the court
19 at the request of the state attorney or the defense attorney, or
20 on the court's own motion. If this process results in the
21 creation of a discharge plan by a receiving facility or an
22 outpatient treatment plan by the local mental health treatment
23 center, the court may set as a condition of the defendant's
24 continued pretrial release compliance with all of the terms of
25 the discharge plan or outpatient treatment plan.

26 (4) If a defendant has not been referred to the diversion
27 program under this section, the state attorney, the defense
28 attorney, or the court may, at any stage of the criminal
29 proceedings, request that the defendant be screened pursuant to
30 subsection (3) to determine if there is an indication of mental
31 illness. If the defendant is no longer in custody, the defendant
32 may be evaluated or assessed pursuant to paragraph (3)(f).

33 (5) Upon the defendant's successful completion of all of
34 the treatment recommendations from any mental health evaluation
35 or assessment completed pursuant to this section, the state
36 attorney must consider dismissal of the charges. If dismissal is
37 deemed inappropriate by the state attorney, the state attorney
38 may consider referral of the defendant's case to mental health
39 court or another available mental health diversion program.



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(6) If the defendant fails to comply with any aspect of his or her discharge or outpatient treatment plan under this section, the court may exhaust therapeutic interventions aimed at improving compliance before considering returning the defendant to the jail.

Section 5. Section 916.136, Florida Statutes, is created to read:

916.136 Pretrial felony mental health diversion program.—

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

(a) "Conviction" means a determination of guilt that is the result of a plea agreement, including a plea of nolo contendere, or trial. For purposes of this section, a conviction does not include an offense for which an adjudication of guilt was withheld.

(b) "Court" means a circuit court or any court presiding over felony violations under the laws of this state or any of its political subdivisions.

(c) "Defendant" means a person who has been charged as an adult by a law enforcement agency or a state attorney with a felony of the second degree or felony of the third degree, and who is eligible for the diversion program as provided in subsection (3).

(d) "Qualified mental health professional" means a physician, a physician assistant, a clinical psychologist, a psychiatric nurse, an advanced practice registered nurse registered under s. 464.0123, or a mental health counselor, a marriage and family therapist, or a clinical social worker, as those terms are defined in s. 394.455.

(2) A community desiring to establish a pretrial felony



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mental health diversion program to divert clinically appropriate
defendants from jails to treatment is encouraged to apply for
the Criminal Justice, Mental Health, and Substance Abuse
Reinvestment Grant Program under s. 394.656 for the purpose of
obtaining funds to plan, implement, or expand such programs.
This section provides a model process for diverting such
defendants to treatment, but this process may be modified
according to each community's particular resources.

(a) The local sheriff's department, the state attorney, the
public defender, the court, and local treatment providers may
collaborate to establish policies and procedures to meet the
specific needs of each community and to develop a form that a
defendant must sign to consent to treatment.

(b) A consent form must include the defendant's consent to
treatment and to the release of any records necessary to
demonstrate compliance with and completion of treatment.
Additionally, such form must include that the defendant agrees
to waive his or her right to a speedy trial by participating in
the diversion program. A defendant must sign the consent form to
participate in the diversion program.

(3) A defendant may be eligible for the pretrial felony
mental health diversion program under this section if he or she
meets the following criteria:

- (a) Has a mental illness;
- (b) Has no more than three prior felony convictions in the
past 5 years;
- (c) Is not charged with a violent felony; and
- (d) Does not have a significant history of violence.



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The state attorney has the sole discretion to determine a defendant's eligibility for the pretrial felony mental health diversion program. Meeting the criteria in this subsection does not guarantee eligibility. Additionally, the state attorney may, in extenuating circumstances, waive the criteria in this subsection if he or she finds that it is in the interest of justice.

(4) At any stage in the pretrial process, the state attorney may recommend that a defendant be screened using a standardized, validated mental health screening instrument to determine if there is an indication of mental illness. Such screening may be completed by the jail's corrections or medical staff or by any qualified mental health professional. The results of such screening must be forwarded to the state attorney and the defense attorney.

(5) If there is an indication of mental illness, the state attorney may consider an offer of pretrial felony mental health diversion under this section. Entry into the diversion program is voluntary, and the defendant must sign the consent form as described in subsection (2) before participating in the program.

(6) Upon the defendant agreeing to participate in pretrial felony mental health diversion under this section, the defendant must be assessed for outpatient treatment by a local mental health treatment center. This assessment may be completed:

(a) At the jail via telehealth assessment by the local mental health treatment center;

(b) At the local mental health treatment center after the sheriff or jail authorities transport the defendant to and from the treatment center; or



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(c) By releasing the defendant on his or her own
recognizance on the conditions that the assessment be completed
at the local mental health treatment center within 48 hours
after his or her release and that all treatment recommendations
be followed.

If the assessment under this subsection results in an outpatient

By Senator Bradley

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1 A bill to be entitled
 2 An act relating to mental health; providing a short
 3 title; amending s. 394.658, F.S.; expanding the
 4 programs and diversion initiatives supported by
 5 implementation or expansion grants to include training
 6 for 911 public safety telecommunicators and emergency
 7 medical technicians for certain purposes and to
 8 include veterans treatment court programs; exempting
 9 certain fiscally constrained counties from local match
 10 requirements for specified grants; amending s.
 11 916.105, F.S.; providing legislative intent; creating
 12 s. 916.135, F.S.; defining terms; encouraging
 13 communities to apply for specified grants to establish
 14 misdemeanor or ordinance violation mental health
 15 diversion programs; providing a model process for such
 16 mental health diversion programs; requiring adherence
 17 to specified provisions to the extent of available
 18 funds; authorizing specified entities to collaborate
 19 to establish certain policies and procedures and to
 20 develop a certain consent form; providing consent form
 21 requirements; requiring defendants to sign the consent
 22 form to participate in the diversion program;
 23 authorizing the screening of certain defendants and
 24 prompt evaluation for involuntary examination under
 25 certain circumstances; specifying procedures if the
 26 evaluation demonstrates that the defendant meets the
 27 criteria for involuntary examination; authorizing a
 28 court to consider releasing a defendant on his or her
 29 own recognizance under certain circumstances;

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30 requiring a court to order that a defendant be
 31 assessed for outpatient treatment under certain
 32 circumstances; authorizing the state attorney, the
 33 defense attorney, or the court to, at any stage of the
 34 criminal proceedings, request that such a defendant be
 35 screened pursuant to certain provisions; authorizing
 36 defendants out of custody to be evaluated pursuant to
 37 certain provisions; requiring the state attorney to
 38 consider dismissal of the charges upon a defendant's
 39 successful completion of all treatment recommendations
 40 from a mental health assessment; authorizing the court
 41 to exhaust therapeutic interventions aimed at
 42 improving compliance before a defendant is returned to
 43 jail; creating s. 916.136, F.S.; defining terms;
 44 encouraging communities to apply for specified grants
 45 to establish pretrial felony mental health diversion
 46 programs; providing a model process for such mental
 47 health diversion programs; authorizing specified
 48 entities to collaborate to establish certain policies
 49 and procedures and to develop a certain consent form;
 50 providing consent form requirements; requiring
 51 defendants to sign the consent form to participate in
 52 the diversion program; specifying criteria under which
 53 a defendant may be eligible for the mental health
 54 diversion program; specifying that the state attorney
 55 has the sole discretion to determine a defendant's
 56 pretrial felony mental health diversion eligibility;
 57 authorizing the state attorney to recommend that
 58 certain defendants be screened and offered pretrial

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59 felony mental health diversion; requiring defendants
 60 to sign the consent form to participate in the
 61 diversion program; requiring that a defendant be
 62 assessed for outpatient treatment upon his or her
 63 agreeing to participate in the mental health diversion
 64 program; requiring the state attorney to consider
 65 dismissal of the charges upon a defendant's successful
 66 completion of all treatment recommendations from a
 67 mental health assessment; authorizing the state
 68 attorney to revoke the defendant's participation in
 69 such mental health diversion program under specified
 70 circumstances; amending s. 916.185, F.S.; expanding
 71 eligibility for the Forensic Hospital Diversion Pilot
 72 Program to include Hillsborough County; creating s.
 73 945.093, F.S.; requiring the Department of Corrections
 74 to evaluate the physical and mental health of each
 75 inmate eligible for work assignments and correctional
 76 work programs; requiring the department to document
 77 eligibility before the inmate receives orders for an
 78 assignment or program; creating s. 948.0395, F.S.;
 79 requiring mental health evaluations and the following
 80 of all recommendations as conditions of probation for
 81 specified defendants; amending s. 1004.649, F.S.;
 82 creating the Florida Behavioral Health Care Data
 83 Repository within the Northwest Regional Data Center;
 84 specifying the purposes of the data repository;
 85 requiring the Northwest Regional Data Center to
 86 develop a specified plan; requiring the Northwest
 87 Regional Data Center to submit, by a specified date, a

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88 certain developed plan to the Governor and the
 89 Legislature; requiring the Florida Behavioral Health
 90 Care Data Repository to submit, by a specified date
 91 and annually thereafter, a specified report to the
 92 Governor and the Legislature; providing an effective
 93 date.
 94

95 Be It Enacted by the Legislature of the State of Florida:
 96

97 Section 1. This act may be cited as the "Tristin Murphy
 98 Act."

99 Section 2. Subsections (1) and (2) of section 394.658,
 100 Florida Statutes, are amended to read:

101 394.658 Criminal Justice, Mental Health, and Substance
 102 Abuse Reinvestment Grant Program requirements.—

103 (1) The Criminal Justice, Mental Health, and Substance
 104 Abuse Statewide Grant Review Committee, in collaboration with
 105 the Department of Children and Families, the Department of
 106 Corrections, the Department of Juvenile Justice, the Department
 107 of Elderly Affairs, and the Office of the State Courts
 108 Administrator, shall establish criteria to be used to review
 109 submitted applications and to select the county that will be
 110 awarded a 1-year planning grant or a 3-year implementation or
 111 expansion grant. A planning, implementation, or expansion grant
 112 may not be awarded unless the application of the county meets
 113 the established criteria.

114 (a) The application criteria for a 1-year planning grant
 115 must include a requirement that the applicant county or counties
 116 have a strategic plan to initiate systemic change to identify

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and treat individuals who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders who are in, or at risk of entering, the criminal or juvenile justice systems. The 1-year planning grant must be used to develop effective collaboration efforts among participants in affected governmental agencies, including the criminal, juvenile, and civil justice systems, mental health and substance abuse treatment service providers, transportation programs, and housing assistance programs. The collaboration efforts shall be the basis for developing a problem-solving model and strategic plan for treating adults and juveniles who are in, or at risk of entering, the criminal or juvenile justice system and doing so at the earliest point of contact, taking into consideration public safety. The planning grant shall include strategies to divert individuals from judicial commitment to community-based service programs offered by the Department of Children and Families in accordance with ss. 916.13 and 916.17.

(b) The application criteria for a 3-year implementation or expansion grant shall require information from a county that demonstrates its completion of a well-established collaboration plan that includes public-private partnership models and the application of evidence-based practices. The implementation or expansion grants may support programs and diversion initiatives that include, but need not be limited to:

1. Mental health courts.
2. Diversion programs.
3. Alternative prosecution and sentencing programs.
4. Crisis intervention teams.
5. Treatment accountability services.

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6. Specialized training for criminal justice, juvenile justice, and treatment services professionals.

7. Specialized training for 911 public safety telecommunicators as defined in s. 401.465 and emergency medical technicians as defined in s. 112.1911 to assist in determining which response team is most appropriate under the circumstances. A response team may include, but is not limited to, a law enforcement agency, an emergency medical response team, a crisis intervention team, or a mobile crisis response service as defined in s. 394.455. Each affected agency must consider what resources are available in the community.

8. Service delivery of collateral services such as housing, transitional housing, and supported employment.

~~9.8.~~ Reentry services to create or expand mental health and substance abuse services and supports for affected persons.

~~10.9.~~ Coordinated specialty care programs.

11. Veterans treatment court programs.

(c) Each county application must include the following information:

1. An analysis of the current population of the jail and juvenile detention center in the county, which includes:

a. The screening and assessment process that the county uses to identify an adult or juvenile who has a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders;

b. The percentage of each category of persons admitted to the jail and juvenile detention center that represents people who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders; and

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c. An analysis of observed contributing factors that affect population trends in the county jail and juvenile detention center.

2. A description of the strategies the county intends to use to serve one or more clearly defined subsets of the population of the jail and juvenile detention center who have a mental illness or to serve those at risk of arrest and incarceration. The proposed strategies may include identifying the population designated to receive the new interventions, a description of the services and supervision methods to be applied to that population, and the goals and measurable objectives of the new interventions. The interventions a county may use with the target population may include, but are not limited to:

a. Specialized responses by emergency medical response teams, crisis intervention teams, mobile crisis response services, and law enforcement agencies;

b. Centralized receiving facilities for individuals evidencing behavioral difficulties;

c. Postbooking alternatives to incarceration;

d. New court programs, including pretrial services and specialized dockets;

e. Specialized diversion programs;

f. Intensified transition services that are directed to the designated populations while they are in jail or juvenile detention to facilitate their transition to the community;

g. Specialized probation processes;

h. Day-reporting centers;

i. Linkages to community-based, evidence-based treatment

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programs for adults and juveniles who have mental illness or substance abuse disorders; and

j. Community services and programs designed to prevent high-risk populations from becoming involved in the criminal or juvenile justice system.

3. The projected effect the proposed initiatives will have on the population and the budget of the jail and juvenile detention center. The information must include:

a. The county's estimate of how the initiative will reduce the expenditures associated with the incarceration of adults and the detention of juveniles who have a mental illness;

b. The methodology that the county intends to use to measure the defined outcomes and the corresponding savings or averted costs;

c. The county's estimate of how the cost savings or averted costs will sustain or expand the mental health and substance abuse treatment services and supports needed in the community; and

d. How the county's proposed initiative will reduce the number of individuals judicially committed to a state mental health treatment facility.

4. The proposed strategies that the county intends to use to preserve and enhance its community mental health and substance abuse system, which serves as the local behavioral health safety net for low-income and uninsured individuals.

5. The proposed strategies that the county intends to use to continue the implemented or expanded programs and initiatives that have resulted from the grant funding.

(2)(a) As used in this subsection, the term "available

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resources" includes in-kind contributions from participating counties.

(b) A 1-year planning grant may not be awarded unless the applicant county makes available resources in an amount equal to the total amount of the grant, except fiscally constrained counties that are awarded reinvestment grants to establish programs pursuant to this section may not be required to provide local matching funds. A planning grant may not be used to supplant funding for existing programs. For fiscally constrained counties, the available resources may be at 50 percent of the total amount of the grant.

(c) A 3-year implementation or expansion grant may not be awarded unless the applicant county or consortium of counties makes available resources equal to the total amount of the grant. For fiscally constrained counties, the available resources may be at 50 percent of the total amount of the grant, except fiscally constrained counties that are awarded reinvestment grants to establish programs pursuant to this section may not be required to provide local matching funds. This match shall be used for expansion of services and may not supplant existing funds for services. An implementation or expansion grant must support the implementation of new services or the expansion of services and may not be used to supplant existing services.

Section 3. Present subsection (4) of section 916.105, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) and subsection (6) are added to that section, to read:

916.105 Legislative intent.—

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(4) It is the intent of the Legislature that a defendant who is charged with certain felonies, any misdemeanor, or any ordinance violation and who has a mental illness, intellectual disability, or autism be evaluated and provided services in a community setting, whenever this is a feasible alternative to incarceration.

(6) It is the intent of the Legislature that law enforcement agencies in this state provide law enforcement officers with crisis intervention team training.

Section 4. Section 916.135, Florida Statutes, is created to read:

916.135 Misdemeanor or ordinance violation mental health diversion program.—

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

(a) "Court" means a circuit court, a county court, or any court presiding over felony, misdemeanor, or ordinance violations under the laws of this state or any of its political subdivisions.

(b) "Defendant" means a person who has been charged as an adult by a law enforcement agency or a state attorney solely with a misdemeanor offense or an ordinance violation under the laws of this state or any of its political subdivisions.

(c) "Qualified mental health professional" means a physician, a physician assistant, a clinical psychologist, a psychiatric nurse, an advanced practice registered nurse registered under s. 464.0123, or a mental health counselor, a marriage and family therapist, or a clinical social worker, as those terms are defined in s. 394.455.

(d) "Receiving facility" has the same meaning as in s.

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394.455.

(2) A community desiring to establish a misdemeanor or ordinance violation mental health diversion program to divert clinically appropriate defendants from jails to treatment is encouraged to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program under s. 394.656 for the purpose of obtaining funds to plan, implement, or expand such mental health diversion programs. This section provides a model process for diverting such defendants to treatment, but the process may be modified according to each community's particular resources. A community that obtains a grant pursuant to s. 394.658 must adhere to the processes in this section to the extent that local resources are available to do so.

(a) The local sheriff's department, the state attorney, the public defender, the court, and local treatment providers may collaborate to establish policies and procedures to meet the specific needs of each community and to develop a form that a defendant must sign to consent to treatment.

(b) A consent form must include the defendant's consent to treatment and to the release of any records necessary to demonstrate compliance with and completion of treatment. Additionally, the consent form must include that the defendant agrees to waive his or her right to a speedy trial by participating in the diversion program. A defendant must sign the consent form to participate in the diversion program.

(3) Within 24 hours after a defendant is booked into a jail, the jail's corrections or medical staff may screen the defendant using a standardized, validated mental health screening instrument to determine if there is an indication of a

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mental illness. If there is an indication of a mental illness, the defendant may be promptly evaluated for involuntary examination under chapter 394 by a qualified mental health professional. In conducting this evaluation, the qualified mental health professional may evaluate the defendant as if he or she is at liberty in the community and may not rely on the person's incarcerated status to defeat the involuntary examination criteria provided for in s. 394.463.

(a) If the evaluation demonstrates that the defendant meets the criteria for involuntary examination under s. 394.463, the qualified mental health professional may issue a professional certificate referring the defendant to a receiving facility.

(b) Upon the issuance of a professional certificate, the defendant must be transported within 72 hours to a receiving facility for further evaluation for involuntary examination under chapter 394. Such transport may be made with a hold for jail custody notation so that the receiving facility may only release the defendant back to jail custody. Alternatively, the court may request on the transport order that the defendant be transported back to appear before the court, depending upon the outcome of the evaluation at the receiving facility, the court's availability of other resources and diversion programs, and the willingness of the defendant to receive treatment.

(c) Once at the receiving facility, the defendant may be assessed and evaluated to determine whether he or she meets the criteria for involuntary services under chapter 394. If the criteria are met, the receiving facility may forward the court a discharge plan when the defendant no longer meets criteria for inpatient treatment, or an outpatient treatment plan, as

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appropriate, as soon as such a plan is developed. If the defendant does not meet the criteria for involuntary services, the receiving facility may issue an outpatient treatment plan and forward it to the court as soon as such plan is developed. If appropriate, the receiving facility may notify the court that no treatment is necessary.

(d) Upon receipt of a discharge plan or an outpatient treatment plan, the court may consider releasing the defendant on his or her own recognizance on the condition that he or she comply fully with the discharge plan or outpatient treatment plan. The state attorney and the defense attorney must have an opportunity to be heard before the court releases the defendant.

(e) If a professional certificate is not issued under paragraph (a), but the defendant has a mental illness, the court must order that the defendant be assessed for outpatient treatment by a local mental health treatment center. This assessment may be completed:

1. At the jail via telehealth assessment by the local mental health treatment center;

2. At the local mental health treatment center after the sheriff or jail authorities transport the defendant to and from the treatment center; or

3. By releasing the defendant on his or her own recognizance on the conditions that the assessment be completed at the local mental health treatment center within 48 hours after his or her release and that all treatment recommendations be followed. If the assessment results in an outpatient treatment plan, and the defendant has not already been released, the defendant may be released on his or her own recognizance on

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the condition that all treatment recommendations must be followed. The state attorney and the defense attorney must have an opportunity to be heard before the court releases the defendant.

(f) If the defendant is released from the custody of the jail on pretrial release at any point before the completion of the process in this section, evaluation or assessment of the defendant under this section by a qualified mental health professional may be initiated at any time by order of the court at the request of the state attorney or the defense attorney, or on the court's own motion. If this process results in the creation of a discharge plan by a receiving facility or an outpatient treatment plan by the local mental health treatment center, the court may set as a condition of the defendant's continued pretrial release compliance with all of the terms of the discharge plan or outpatient treatment plan.

(4) If a defendant has not been referred to the diversion program under this section, the state attorney, the defense attorney, or the court may, at any stage of the criminal proceedings, request that the defendant be screened pursuant to subsection (3) to determine if there is an indication of mental illness. If the defendant is no longer in custody, the defendant may be evaluated or assessed pursuant to paragraph (3)(f).

(5) Upon the defendant's successful completion of all of the treatment recommendations from any mental health evaluation or assessment completed pursuant to this section, the state attorney must consider dismissal of the charges. If dismissal is deemed inappropriate by the state attorney, the state attorney may consider referral of the defendant's case to mental health

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court or another available mental health diversion program.

(6) If the defendant fails to comply with any aspect of his or her discharge or outpatient treatment plan under this section, the court may exhaust therapeutic interventions aimed at improving compliance before considering returning the defendant to the jail.

Section 5. Section 916.136, Florida Statutes, is created to read:

916.136 Pretrial felony mental health diversion program.-

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

(a) "Conviction" means a determination of guilt that is the result of a plea agreement, including a plea of nolo contendere, or trial. For purposes of this section, a conviction does not include an offense for which an adjudication of guilt was withheld.

(b) "Court" means a circuit court or any court presiding over felony violations under the laws of this state or any of its political subdivisions.

(c) "Defendant" means a person who has been charged as an adult by a law enforcement agency or a state attorney with a felony of the second degree or felony of the third degree, and who is eligible for the diversion program as provided in subsection (3).

(d) "Qualified mental health professional" means a physician, a physician assistant, a clinical psychologist, a psychiatric nurse, an advanced practice registered nurse registered under s. 464.0123, or a mental health counselor, a marriage and family therapist, or a clinical social worker, as those terms are defined in s. 394.455.

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(2) A community desiring to establish a pretrial felony mental health diversion program to divert clinically appropriate defendants from jails to treatment is encouraged to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program under s. 394.656 for the purpose of obtaining funds to plan, implement, or expand such programs. This section provides a model process for diverting such defendants to treatment, but this process may be modified according to each community's particular resources.

(a) The local sheriff's department, the state attorney, the public defender, the court, and local treatment providers may collaborate to establish policies and procedures to meet the specific needs of each community and to develop a form that a defendant must sign to consent to treatment.

(b) A consent form must include the defendant's consent to treatment and to the release of any records necessary to demonstrate compliance with and completion of treatment. Additionally, such form must include that the defendant agrees to waive his or her right to a speedy trial by participating in the diversion program. A defendant must sign the consent form to participate in the diversion program.

(3) A defendant may be eligible for the pretrial felony mental health diversion program under this section if he or she meets the following criteria:

(a) Has a mental illness;

(b) Has no more than three prior felony convictions in the past 5 years;

(c) Is not charged with a violent felony; and

(d) Does not have a significant history of violence.

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The state attorney has the sole discretion to determine a defendant's eligibility for the pretrial felony mental health diversion program. Meeting the criteria in this subsection does not guarantee eligibility. Additionally, the state attorney may, in extenuating circumstances, waive the criteria in this subsection if he or she finds that it is in the interest of justice.

(4) At any stage in the pretrial process, the state attorney may recommend that a defendant be screened using a standardized, validated mental health screening instrument to determine if there is an indication of mental illness. Such screening may be completed by the jail's corrections or medical staff or by any qualified mental health professional. The results of such screening must be forwarded to the state attorney and the defense attorney.

(5) If there is an indication of mental illness, the state attorney may consider an offer of pretrial felony mental health diversion under this section. Entry into the diversion program is voluntary, and the defendant must sign the consent form as described in subsection (2) before participating in the program.

(6) Upon the defendant agreeing to participate in pretrial felony mental health diversion under this section, the defendant must be assessed for outpatient treatment by a local mental health treatment center. This assessment may be completed:

(a) At the jail via telehealth assessment by the local mental health treatment center;

(b) At the local mental health treatment center after the sheriff or jail authorities transport the defendant to and from

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the treatment center; or

(c) By releasing the defendant on his or her own recognizance on the conditions that the assessment be completed at the local mental health treatment center within 48 hours after his or her release and that all treatment recommendations be followed. If the assessment results in an outpatient treatment plan, and the defendant has not already been released, the defendant may be released on his or her own recognizance on the condition that all treatment recommendations be followed.

(7) Upon the defendant's successful completion of all treatment recommendations from the mental health evaluation or assessment completed pursuant to this section, the state attorney must consider dismissal of the charges.

(8) If the defendant fails to comply with pretrial release or with any aspect of his or her treatment plan under this section, the state attorney may revoke the defendant's participation in the pretrial felony mental health diversion program.

Section 6. Paragraph (a) of subsection (3) of section 916.185, Florida Statutes, is amended to read:

916.185 Forensic Hospital Diversion Pilot Program.—

(3) CREATION.—There is authorized a Forensic Hospital Diversion Pilot Program to provide competency-restoration and community-reintegration services in either a locked residential treatment facility when appropriate or a community-based facility based on considerations of public safety, the needs of the individual, and available resources.

(a) The department may implement a Forensic Hospital Diversion Pilot Program modeled after the Miami-Dade Forensic

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Alternative Center, taking into account local needs and resources in Okaloosa County, in conjunction with the First Judicial Circuit in Okaloosa County; in Duval County, in conjunction with the Fourth Judicial Circuit in Duval County; in Broward County, in conjunction with the Seventeenth Judicial Circuit in Broward County; ~~and~~ in Miami-Dade County, in conjunction with the Eleventh Judicial Circuit in Miami-Dade County; and in Hillsborough County, in conjunction with the Thirteenth Judicial Circuit in Hillsborough County.

Section 7. Section 945.093, Florida Statutes, is created to read:

945.093 Requirements for work assignments and programs.—The department shall evaluate, at a minimum, the physical and mental health of each inmate eligible for a work assignment or correctional work program and shall document approval of eligibility before the inmate receives orders for the assignment or program. The department may use discretion in determining whether an inmate is appropriate for an assignment.

Section 8. Section 948.0395, Florida Statutes, is created to read:

948.0395 Probation conditions for defendants with mental illness.—A defendant who was adjudicated incompetent to proceed due to a mental illness under chapter 916 and later regained competency, and who is sentenced to a term of probation, must have as a condition of such probation a mental health evaluation and must follow all recommendations of the evaluation.

Section 9. Present subsection (4) of section 1004.649, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

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1004.649 Northwest Regional Data Center.—

(4) The Florida Behavioral Health Care Data Repository is created within the Northwest Regional Data Center as the administrative manager of the state data center.

(a) The data repository is created for the purpose of:

1. Collecting and analyzing existing statewide behavioral health care data to:

a. Better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral health services;

b. Better understand the scope of, trends in, and relationship between behavioral health, criminal justice, incarceration, and the use of behavioral health services as a diversion from incarceration for individuals with mental illness; and

c. Enhance the collection and coordination of treatment and outcome information as an ongoing evidence base for research and education related to behavioral health.

2. Developing useful data analytics, economic metrics, and visual representations of such analytics and metrics to inform relevant state agencies and the Legislature of data and trends in behavioral health.

(b) The Northwest Regional Data Center shall develop a plan to do all of the following:

1. Create a centralized, integrated, and coordinated data system.

2. Develop, in collaboration with the Data Analysis Committee of the Commission on Mental Health and Substance Use

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581 Disorder created under s. 394.9086, a governance structure that
 582 will implement and operate the repository.

583 3. Incorporate existing data from relevant state agencies,
 584 including, but not limited to, the Agency for Health Care
 585 Administration, the Department of Children and Families, the
 586 Department of Juvenile Justice, the Office of the State Courts
 587 Administrator, and the Department of Corrections.

588 4. Identify relevant data and metrics to support actionable
 589 information and ensure the efficient and responsible use of
 590 taxpayer dollars within behavioral health systems of care.

591 5. Develop and detail data security requirements for the
 592 repository.

593 6. Develop, in collaboration with the Commission on Mental
 594 Health and Substance Use Disorder and relevant stakeholders, a
 595 structure for an annual analysis and report that gives state
 596 agencies and the Legislature a better understanding of trends
 597 and issues in the state's behavioral health systems of care
 598 generally and the trends and issues in behavioral health systems
 599 related to criminal justice treatment, diversion, and
 600 incarceration.

601 (c) By December 1, 2025, the Northwest Regional Data
 602 Center, in collaboration with the Data Analysis Committee of the
 603 Commission on Mental Health and Substance Use Disorder, shall
 604 submit the developed plan for implementation and ongoing
 605 operation with a proposed budget to the Governor, the President
 606 of the Senate, and the Speaker of the House of Representatives
 607 for review.

608 (d) Beginning December 1, 2026, and annually thereafter,
 609 the Florida Behavioral Health Care Data Repository shall submit

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610 the developed trends and issues report under subparagraph (b)6.
 611 to the Governor, the President of the Senate, and the Speaker of
 612 the House of Representatives.

613 Section 10. This act shall take effect October 1, 2025.

Criminal Justice Reinvestment Grants

Background: In 2007, the Florida Legislature authorized and funded the Criminal Justice, Mental Health, and Substance Abuse (CJMHS) Reinvestment Grant Program.

The purpose of the CJMHS Reinvestment Grant program includes:

- Diverting individuals with mental health and/or substance use issues from the criminal and juvenile justice systems;
- Improving the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring disorder and who are in or at risk of entering the criminal or juvenile justice systems; and
- Providing funds to plan, implement, or expand initiatives that increase public safety and avert increased spending on criminal and juvenile justice systems.

Under Section 394.658, F.S., these grants may be used to fund local initiatives including the following:

Mental Health Courts

- Sentencing Programs
- Specialized Training for Criminal Justice Juvenile Justice, And Treatment Services Professionals

Diversion Programs

- Crisis Intervention Teams
- Service Delivery of Collateral Services such as Housing, Transitional Housing and Employment Services

Alternative Prosecution

- Treatment Accountability Services
- Reentry Services Focused on Mental Health and Substance Use Services and Supports

Programs may use funds to expand existing programs or to create new programs from the service menu in this authorizing legislation.

Below are the responses to the legislative inquiry:

Question: How is this funded? What appropriation category or DCF OCA is used for funding? How much?

Response: In FY 2016, the Florida Legislature funded the CJMHS Reinvestment Grant Program through recurring General Revenue in the amount of \$9,000,000 in recurring funding per fiscal year. The OCA is PSMSM (Public Safety Mental Health Local Match).

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Question: What counties are currently receiving grants (both planning and implementation/expansion) or have applied?

Response: The tables below reflect the implementation/expansion grant counties:

Implementation/Expansion Grants		
Currently Funded	Applied for Funding	Awarded Funding
Brevard	Alachua	Alachua
Broward	Collier	Duval
Collier	Duval	Flagler
Dixie	Duval	Gadsden
Duval	Flagler	Lee
Flagler	Gadsden	Leon
Hendry	Hernando	Levy
Hillsborough	Lee	Manatee
Glades	Leon	Pinellas
Leon	Manatee	Sarasota
Levy	Osceola	
Manatee	Palm Beach	
Miami-Dade	Pinellas	
Okeechobee	Polk	
Orange	Sarasota	
Osceola	Seminole	
Pasco		
Pinellas		
Polk		
Seminole		

The chart below reflects the planning grant counties:

Planning Grants		
Currently Funded	Applied for Funding	Awarded Funding
Lee	Marion	Marion
Levy		
St. Johns		

Question: How many fiscally constrained counties (FCC) are recipients (or applicants)?

Response: There are currently six counties that are considered “fiscally constrained” and are recipients or applicants of funding. Those counties include Dixie, Gadsden, Glades, Hendry, Levy, and Okeechobee.

Question: Is “fiscally constrained” for this purpose as detailed in S. 218.67, F.S.?

Response: Yes, “fiscally constrained” for this purpose is defined in Section 218.67, F.S.

Question: I believe the last count was somewhere around 29?

Response: There are currently 29 counties that meet the statutory criteria for “fiscally constrained”.

Question: Do we have any historical outcome data on the grants?

Response: Yes. In fiscal year 2022-2023 the Department funded 33 Criminal Justice, Mental Health, and Substance Abuse implementation/ expansion grants and one planning grant. During that year 12 of the grantees reported diverting 100 percent of participants from admission to a state mental health treatment facility. The remaining seven grantees who reported diversion as a performance measure, achieved good success from 89-99 percent.

Percentage Achieved	Performance Measure FY22/23
98.0%	Individuals diverted from State Mental Health Treatment Facilities
93.5%	Reduction in individual arrests while enrolled in the program
96.6%	Reduction in individual arrests after program end
90.5%	Increase in housing assistance
89.3%	Increase in benefits acquisition

Number of individuals served during SFY 2022-2023 (most recent reporting period received)	4,567
Number of individuals served in the lifetime of the program	12,069
Crisis Intervention Team Training (CIT) / Law Enforcement (LE) Training Program Lifetime	1,250
Mental Health First Aid (MHFA) Training Program Lifetime	364

Question: Is there a reporting requirement? What transparency/accountability requirements are there?

Response: Yes, grantees are required to report on progress towards statutorily required outcomes, along with specific outcomes aligned with their unique grant program. Grantees are required to submit the following reports:

1. Quarterly Report

A detailed report of the services and activities performed in the previous three months and the progress of the program in meeting the performance measures, goals, objectives, and tasks described in the Grantee's Application.

2. Quarterly Financial Report

A detailed cumulative report of Program expenses submitted every quarter of service provision. The Financial Report is used to track all expenses associated with the grant and reconcile these expenditures with the payments made by the Department. The Financial Report tracks grant award-funded and county match-funded expenses.

3. Final Program Status Report

A detailed report of the services and activities performed for the entire award period and the status of the Program in meeting the performance measures, goals, objectives, and tasks described in the Application. The Final Program Status Report is reviewed by the Quality and Risk Management Director before being presented to the Board of County Commissioners (BOCC) for their information through the Public Safety Coordinating Committee.

4. Final Financial Report

A detailed report of Program expenses for the entire award period documenting expenditure of grant funds and compliance with the statutory match requirement. The Final Financial Report must be signed and certified by an authorized representative attesting the Financial Report represents a complete and accurate account of all expenses supported by the Program award and statutory match obligations. A copy of the Final Financial Report is presented to the BOCC for their information through the Public Safety Coordinating Committee.

Question: General information on how effective the grant program seems to be.

Response: Since 2019 the Program has served over 12,000 individuals and has resulted in a cost savings of over \$54,000,000 by providing services in the community rather than in the criminal justice system. The grant program reports detail the positive impacts that the programs are having on the local jail and/or detention population through a reduction in arrests, shorter jail stays, and increases in access to treatment, housing, benefit, and diversion efforts.

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SB 168

Bill Number or Topic

Amendment Barcode (if applicable)

3/4/2025

Meeting Date

Criminal Justice

Committee

Name

Cynthia Murphy

Phone

941-875-4129

Address

23165 Hammond Ave

Street

Email

murphy.cindee@
yahoo.com

Reset Form

Port Charlotte, FL

City

State

33954

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 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](#)

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Meeting Date

Criminal Justice

Committee

SB 168

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Cody Murphy

Phone

941-875-4129 (parent)

Address

23165 Hammond Ave

Street

Email

murphy.cindee@yahoo.com
(parent)

Port Charlotte, FL

City

State

33954

Zip

Reset Form

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

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SB 768

Bill Number or Topic

Committee

Name

Katie Bonnett (IBAN-Net)

Phone

860.739.9599

Address

2273 Seminole Dr.

Email

kbonnett@safeandjust.org

Street

City

JFH, FL

State

Zip

32307

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:

Alliance for Safety
and Justice

☐

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

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Bill Number or Topic

Amendment Barcode (if applicable)

3-4-25
Meeting Date
Criminal Justice
Committee

Name Bib Cortes

Phone 407-840-3435

Address 100 Blinger Way
Street

Email bcortes@seminolesheriff.org

Sandwich
City

FL
State

32773
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:

Seminole County Sheriff's Office

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

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S-001 (08/10/2021)

March 4, 2025

Meeting Date

Criminal Justice

Committee

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DUPLICATE

168

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

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:

Fla. Smart Justice Alliance

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

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3/4/2025

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Criminal Justice

Committee

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168

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Andrew Rutledge**

Phone **8506816788**

Address **119 S Monroe St**

Email **Andrew@rutledge-ecenia.com**

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:

FACDL

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

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CJ

Committee

SB168

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Denise Brock For Florida Cares

Phone

561-562-0393

Address

11447 Blue Violet Ln

Email

denise@FloridaCares

Street

WPS

City

FL

State

33411

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:

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03/04/25

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SB 168

Bill Number or Topic

Amendment Barcode (if applicable)

Name Cheryl Virta

Phone 904-300-1942

Address 40 E. Adams St., Ste. LL05

Email c.virta@namijax.org

Street

Jacksonville

FL

32202

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:

NAMI Jacksonville Florida, Inc.

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3.4.25

Meeting Date

Criminal Justice

Committee

Name **Carali McLean**

Address **P.O. Box 302**

Street

Ocala

City

FL

State

34478

Zip

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SB168

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-671-4445**

Email **executivedirector@namiflorida.org**

Reset Form

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 \(flsenate.gov\)](#)

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3-4-25

Meeting Date

5168

Bill Number or Topic

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Criminal Justice Committee

Tristen Murphy Act

Amendment Barcode (if applicable)

Name JACK WOOD

Phone 814-490-8681

Address 3243 Wise Way

Email woodjnr@gmail.com

Street

The Villages FL 32163

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 \(flsenate.gov\)](#)

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3/3/25

Meeting Date

Sen. CJ

Committee

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SB 168

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sheriff Bill Prummell

Phone

941-264-4140

Address

7474 Utilities Rd

Email

wprummell@ccsofl.net

Street

Punta Gorda FL

33982

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:Charlotte County
Sheriff's Office

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 \(flsenate.gov\)](#)

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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 Committee on Criminal Justice

BILL: SB 276

INTRODUCER: Senator Wright

SUBJECT: Sheltering or Aiding Unmarried Minors

DATE: March 3, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			CF	
3.			RC	

I. Summary:

SB 276 amends ss. 984.085 and 985.731, F.S., to create a presumption and defense to the crime of sheltering or aiding an unmarried minor. Current law provides prohibitions against knowingly sheltering or aiding unmarried minors, except under specified conditions.

The bill provides that:

- Proof that an unmarried minor has not attained 18 years of age creates a presumption that the person knew the minor's age or acted in reckless disregard thereof.
- It is a defense to the crime of unlawfully sheltering or aiding unmarried a minor if the defendant had reasonable cause to believe that his or her action was necessary to preserve the minor from danger to his or her welfare.

The bill increases the crime of sheltering or aiding an unmarried minor from a first degree misdemeanor to a third degree felony.

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

The bill is effective on October 1, 2025.

II. Present Situation:

Homeless and Runaway Children and Youth

Federal law provides a definition for the term "homeless children and youths," which means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youths who are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters or are abandoned in hospitals;
- Utilizing for a primary nighttime residence a place that is a public or private place but not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children living in circumstances described above.¹

The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian.²

Florida law defines the term “children and youths who are experiencing homelessness” to have the same meaning as “homeless children and youths” under federal law and described above.³

Homeless Children and Youth

Each year, an estimated 3.5 million youth and young adults experience homelessness in the United States, 700,000 of which are unaccompanied minors—meaning they are not part of a family or accompanied by a parent or guardian. These estimates indicate that approximately one in 10 adults’ ages 18 to 25, and one in 30 youth ages 13 to 17 will experience homelessness each year.⁴

The Voices of Youth Count from Chapin Hall at the University of Chicago found, in part, that one in 10 young adults ages 18-25, and at least one in 30 adolescents ages 13-17, experience some form of homelessness unaccompanied by a parent or guardian over the course of a year.

- Black youth face an 83% increased risk, and Hispanic youth 33% increased risk, than their white peers.
- LGBTQ youth were more than twice as likely to have experienced homelessness.
- Young parents – especially unmarried – had a three times higher risk for homelessness than non-parenting peers.
- Youth with experiences in foster care, juvenile detention, jail, or prison are at a higher risk for homelessness.
- Youth who do not complete high school are 3.5 times more likely to experience homelessness than peers who completed a high school diploma.⁵

As of 2024, Florida had an estimated 31,362 people experiencing homelessness on any given day, as reported by the U.S. Department of Housing and Urban Development (HUD), which is

¹ 42 USC s. 11434a.

² *Id.*

³ Section 1003.01(4), F.S.

⁴ National Network for Youth, *Youth Homelessness*, available at <https://nn4youth.org/learn/youth-homelessness/> (last visited March 3, 2025).

⁵ *Id.*

14 in every 10,000 people.⁶ Of that total, 7,563 people were in families with children, 1,367 were unaccompanied homeless youth, 2,333 were veterans, and 6,100 were chronically homeless individuals.⁷

The Florida Department of Education (FDOE) reports that 94,902 students experienced homelessness in the 2022-2023 school year, the overall number increased by 21 percent between 2022 and 2023.⁸

Runaway Youth

Research shows that almost seven percent of youth, or 1.5 million children and adolescents, run away each year.⁹ Youth most often runaway from home and become homeless due to family conflicts, abuse, and/or neglect.¹⁰ The National Center for Missing & Exploited Children defines an Endangered Runaway as a child under the age of 18 who is missing on his or her own accord and whose whereabouts are unknown to their parent or legal guardian.¹¹ These children are highly vulnerable and can experience homelessness when they are missing. Research indicates that in 2023, 74 percent of endangered runaways reported were between 15-17 years old. The risk factors for running away from home or state care are multifaceted, and there is no typical Endangered Runaway. Risk factors that put the youth at an increased risk of running away or becoming homeless include:

- Physical or sexual abuse
- Family conflict
- Struggling to manage mental health
- Substance abuse
- Medical issue/developmental or physical disability
- Pregnancy
- Online enticement
- To be with a friend, romantic partner, or biological family
- Gang activity
- Child sex trafficking
- Social rejection or bullying¹²

⁶ U.S. Department of Housing and Urban Development, *2024 Annual Homelessness Assessment Report (AHAR)* to Congress, available at <https://www.huduser.gov/portal/sites/default/files/pdf/2024-AHAR-Part-1.pdf> (last visited March 3, 2025).

⁷ *Id.*

⁸ Florida's Council on Homelessness, *2024 Annual Report*, pg. 34, available at <https://www.myflfamilies.com/sites/default/files/2024-07/Council%202024%20Annual%20Homelessness%20Report.pdf> (last visited March 3, 2025).

⁹ National Conference of State Legislatures, *Youth Homelessness Overview*, available at <https://www.ncsl.org/human-services/youth-homelessness-overview> (last visited March 3, 2025).

¹⁰ *Id.*

¹¹ National Center for Missing & Exploited Children, *Endangered Runaways*, available at <https://www.missingkids.org/theissues/runaways> (last visited March 3, 2025).

¹² National Center for Missing & Exploited Children, *Endangered Runaways*, available at <https://www.missingkids.org/theissues/runaways> (last visited March 3, 2025).

Risk of Human Trafficking

Homeless and runaway youth experience the risk factors of trafficking at a higher rate, such as mental health issues, addiction, poverty, unemployment, and a history of abuse. As a result, they are more susceptible to human trafficking and other forms of exploitation.¹³ According to research, an estimated 4.2 million young people (ages 13-25) experience homelessness annually, including 700,000 unaccompanied minor youth ages 13 to 17. Many of those young people will become victims of sex or labor trafficking. Research from numerous studies have found trafficking rates among youth experiencing homelessness ranging from 19 percent to 40 percent. Using the lower-end estimate of one in five youth experiencing homelessness also being trafficked for sex, labor, or both, this means that approximately 800,000 youth who experience homelessness are also survivors of trafficking.¹⁴

The Florida Legislature recognizes human trafficking as a form of modern-day slavery whose victims include young children, teenagers, and adults who may be citizens that are trafficked domestically within the borders of the United States or smuggled across international borders worldwide.¹⁵ While many victims of human trafficking are forced to work in prostitution or sexual entertainment, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, factory work, and agricultural work.¹⁶

Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,¹⁷ purchasing, patronizing, procuring, or obtaining¹⁸ another person for the purpose of exploitation of that person.¹⁹

Human trafficking includes two types of exploitation: commercial sexual exploitation (CSE) and forced labor.²⁰ In 2023, according to the Department of Children and Families, 339 youth were verified as victims of commercial sexual exploitation (CSE) in Florida. The overall number has decreased by 11% since 2020.²¹

¹³ United Way, *The Intersection between Housing Instability and Human Trafficking*, available at <https://www.unitedway.org/news/the-intersection-between-housing-instability-and-human-trafficking> (last visited March 3, 2025).

¹⁴ Human Trafficking Search, *The Intersection Between Youth Homelessness and Human Trafficking*, available at <https://humantraffickingsearch.org/the-intersection-between-youth-homelessness-and-human-trafficking/> (last visited March 3, 2025).

¹⁵ Section 787.06, F.S.

¹⁶ *Id.*

¹⁷ Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

¹⁸ Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof. Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

¹⁹ Section 787.06(2)(d), F.S.

²⁰ Section 787.06, F.S.

²¹ Office of Program Policy Analysis & Government Accountability, *Annual Report on Commercial Sexual Exploitation of Minors*, 2024, available at <https://oppaga.fl.gov/Documents/Reports/24-04.pdf> (last visited March 3, 2025).

Sheltering or Aiding Unmarried Minors

In 2016, Sam Fugatt was arrested for two charges of sheltering or aiding two unmarried minors by accompanying two runaways on a bus to Miami International Airport. One of the minors alleged she and Fugatt engaged in sexual relations at least three times.²² In 2018, Sam Fugatt was arrested again on charges of having sexual relations and providing narcotics to a 14-year-old girl. Police made statements that Fugatt will lure a girl, someone in foster care or who otherwise has minimal parental supervision, to his home via social media and then take that girl's phone to look for others like her. Detective said they also were told that Fugatt provided drugs to the teen, got her involved in other illegal activities, and would sometimes pick her up from school and take her away for days at a time.²³

Florida law provides criminal penalties under two sections of law for sheltering or aiding unmarried minors.

Sections 984.085 and 985.731, F.S., provides it is a first degree misdemeanor²⁴ for a person:

- Who is not an authorized agent of the DCF or the DJJ to knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.
- To knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.^{25,26}

III. Effect of Proposed Changes:

The bill amends ss. 984.085 and 985.731, F.S., to create a presumption and defense to the crime of shelter or aiding an unmarried minor. Current law provides prohibitions against knowingly sheltering or aiding unmarried minors, except under specified conditions.

The bill provides that:

- Proof that an unmarried minor has not attained 18 years of age creates a presumption that the person knew the minor's age or acted in reckless disregard thereof.
- It is a defense to the crime of unlawfully sheltering or aiding unmarried a minor if the defendant had reasonable cause to believe that his or her action was necessary to preserve the minor from danger to his or her welfare.

²² The Daytona Beach News-Journal, *Police: Daytona Man Sheltered Minor Runaways*, Suzanne Hirt (August 4, 2017), available at <https://www.news-journalonline.com/story/news/crime/2017/08/04/police-daytona-man-sheltered-minor-runaways/20017043007/> (last visited March 3, 2025).

²³ The Daytona Beach News-Journal, *Daytona Man Accused of Sexually Abusing Girl, 14*, Tony Holt (September 7, 2018), available at <https://www.news-journalonline.com/story/news/crime/2018/09/07/daytona-man-accused-of-sexually-abusing-girl-14/10816562007/> (last visited March 3, 2025).

²⁴ A misdemeanor of the first degree is punishable by a term of imprisonment not exceeding 1 year and a fine not exceeding \$1,000. Section 775.082 and 775.083, F.S.

²⁵ Section 984.085, F.S.

²⁶ Section 985.731, F.S.

The bill increases the crime of sheltering or aiding an unmarried minor from a first degree misdemeanor to a third degree felony.

The bill is effective on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not 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 bill may create a rebuttable or an irrebuttable presumption by creating a presumption that a person in violation of this statute knew the minor's age or acted in reckless disregard thereof. A mandatory irrebuttable presumption violates due process because it relieves the prosecution of the burden of persuasion on an element of the criminal offense. A rebuttable presumption does not remove the presumed element the state must prove, but it shifts the burden of proof to the defendant to persuade or provide evidence otherwise, violating due process in most cases.²⁷

While the general rule is that every crime must include a specific intent, or a mens rea, the legislature and courts recognize an exception where the state has a compelling interest in protecting underage persons from being sexually abused or exploited. In cases relating to sex offenses or abuse involving minors, a persons ignorance of the age of the victim is not a defense, nor is the misrepresentation of age or a defendant's real belief that such victim is over the specified age.^{28,29}

²⁷ *Ibarrondo v. State*, 1 So. 3d 226 (Fla. 5th DCA 2008)

²⁸ *State v. Sorakrai*, 543 So. 2d 294 (Fla. 2d DCA 1989)

²⁹ *Grady v. State*, 701 So. 2d 1181 (Fla. 5th DCA 1997)

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the Department of Corrections due to the enhanced penalties under the bill and the possibility of offenders receiving prison sentences.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.085 and 985.731.

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.

By Senator Wright

8-00098-25

2025276__

A bill to be entitled

An act relating to sheltering or aiding unmarried minors; amending ss. 984.085 and 985.731, F.S.; creating a presumption of knowledge upon proof that an unmarried minor has not attained 18 years of age for the purpose of unlawfully sheltering or aiding unmarried minors; providing a defense to unlawfully sheltering or aiding unmarried minors; increasing criminal penalties; providing an effective date.

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

Section 1. Section 984.085, Florida Statutes, is amended to read:

984.085 Sheltering unmarried minors; aiding unmarried minor runaways; presumption; defense; penalty violations.—

(1) (a) A person who is not an authorized agent of the Department of Juvenile Justice or the Department of Children and Families may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

Page 1 of 3

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

8-00098-25

2025276__

(c) Proof that an unmarried minor has not attained 18 years of age creates a presumption that the person knew the minor's age or acted in reckless disregard thereof.

(2) It is a defense to a violation under this section that the defendant had reasonable cause to believe that his or her action was necessary to preserve the minor from danger to his or her welfare.

(3) A person who violates this section commits a felony of the third misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 2. Section 985.731, Florida Statutes, is amended to read:

985.731 Sheltering unmarried minors; aiding unmarried minor runaways; presumption; defense; penalty violations.—

(1) (a) A person who is not an authorized agent of the department or the Department of Children and Families may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

(c) Proof that an unmarried minor has not attained 18 years of age creates a presumption that the person knew the minor's age or acted in reckless disregard thereof.

Page 2 of 3

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

8-00098-25

2025276

59 (2) It is a defense to a violation under this section that
60 the defendant had reasonable cause to believe that his or her
61 action was necessary to preserve the minor from danger to his or
62 her welfare.

63 (3) A person who violates this section commits a felony of
64 the third ~~misdemeanor of the first~~ degree, punishable as
65 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: February 4, 2025

I respectfully request that **Senate Bill 276**, relating to Sheltering or Aiding Unmarried Minors, be placed on the:

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

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

The Florida Senate
APPEARANCE RECORD

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

SB 276

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

3/4/2025

Committee

Criminal Justice

Name

Molly Hudson for Volusia Sheriff's Office

Phone

386 244-5536

Address

123 W. Indiana Ave

Email

mhudson@volusia-sheriff.com

Street

Deland fl. 32720

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:

Volusia Sheriff's Office

☐

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

March 4, 2025

Meeting Date

Criminal Justice

Committee

276

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

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:

Fla. Smart Justice Alliance

☐ 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)

APPEARANCE RECORD

SB 276

Meeting Date

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

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:

Seminole County Sheriff's office

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

3/4/23

Meeting Date

CJ

Committee

SB276

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lt Abby Hilley

Phone

321-229-7054

Address

Street

Email

abby.hilley@csosfl.com

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:

Orange County
Sheriff's Office

☐

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 Committee on Criminal Justice

BILL: SB 402

INTRODUCER: Senator Wright

SUBJECT: Unlawful Use of Uniforms, Medals, or Insignia

DATE: March 3, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			MS	
3.			RC	

I. Summary:

SB 402 amends s. 817.312 F.S., to replace a list of specified armed forces with *armed forces as defined in s. 250.01, F.S.* Current law provides it is a third degree felony for a person to misrepresent himself or herself as a member or veteran of such specified armed forces, or to wear the uniform or insignia of specified armed forces, under certain circumstances.

The bill ensures that the same branches of armed forces are listed in each provision of the statute. Under s. 250.01, F.S., “armed forces,” includes the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

The bill takes effect on October 1, 2025.

II. Present Situation:

Armed Forces

The Department of Defense is America’s largest government agency and is composed of 3.4 million service members and civilians. The department’s mission is to provide the armed forces needed to deter war and ensure our nation’s security.¹ Section 250.01, F.S., provides that “armed forces” means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.² The National Guard is defined separately as the Army National Guard and the Air National Guard, both of which specify that part of the National Guard of a state or territory of the United States, Puerto Rico, or the District of Columbia, active or inactive, which is:

- Trained, and has its officers appointed, under the United States Constitution;
- Organized, armed, and equipped wholly or partially at federal expense; and

¹ U.S. Department of Defense, *About*, available at: <https://www.defense.gov/About/> (last visited March 3, 2025).

² Section 250.01(4), F.S.

- Federally recognized.³

The United States Space Force was established in 2019, creating the first new branch of the armed services since 1947. “The military and civilian guardians who work for the Space Force protect and defend American interests in space to ensure that our forces, our allies, and our people have the ability to harness space whenever and wherever they need it.”⁴

Armed Forces Uniforms and Insignia

A person commits a third degree felony⁵ if, while in the process of soliciting for charitable donations or for the purpose of material gain, including but not limited to, obtaining employment or public office resulting in receiving compensation, such person misrepresents himself or herself as a member or veteran⁶ of the:

- United States Air Force;
- United States Army;
- United States Coast Guard;
- United States Marine Corps;
- United States Navy;
- United States Space Force; or,
- National Guard.

Additionally, a person commits a third degree felony if, while in the process of soliciting for charitable donations or material gain, such person wears the uniform of, or any medal or insignia authorized for use by members or veterans⁷ of the:

- United States Air Force;
- United States Army;
- United States Coast Guard;
- United States Marine Corps;
- United States Navy; or,
- The National Guard.

These crimes do not apply to persons in the theatrical profession while engaged in such profession.

In 2022, SB 438 amended the definition of “armed forces” in s. 250.01, F.S., to incorporate the newly established Space Force, and amended s. 817.312(1)(a)1., F.S., to prohibit a person from misrepresenting himself or herself as a member or veteran of the United States Space Force. However, that bill did not include Space force in s. 817.312(1)(a)2., F.S. Therefore, there is no prohibition for wearing the uniform of or any medal or insignia of the United States Space Force.

³ Sections 250.01(2)(b)-(d) and 250.01(6)(b)-(d), F.S.

⁴ United States Space Force, *About Us*, available at <https://www.spaceforce.mil/About-Us/> (last visited March 3, 2025).

⁵ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Section 775.082 and 775.083, F.S.

⁶ Section 817.312(1)(a)1., F.S.

⁷ Section 817.312(1)(a)2., F.S.

Similar Provisions of Law

Other provisions of Florida law and Federal law govern wearing a uniform or insignia of rank, some of which have been held unconstitutional by the courts.

In 2005, President George W. Bush signed into law the first Stolen Valor Act (the Act).⁸ The law broadened provisions of federal law prohibiting the unauthorized wearing, manufacture, or sale of any military decorations and medals. Under the law, it was a federal misdemeanor to falsely represent oneself as having received any U.S. military decoration or medal. In 2012, the United States Supreme Court overturned the Act.

In *United States v. Alvarez*,⁹ the Court ruled that the Act violated the First Amendment's guarantee to free speech and was therefore unconstitutional. In considering whether the conduct prohibited by the statute was protected free speech, the Court noted that "(t)he statute seeks to control and suppress all false statements on this one subject in almost limitless times and settings. And it does so entirely without regard to whether the lie was made for the purpose of material gain."¹⁰

Consequently, President Barack Obama signed into law the Stolen Valor Act of 2013.¹¹ The Act amended the federal criminal code to prohibit a person from claiming to have served in the military, from embellishing the rank attained, or from fraudulently claiming to have received a valor award with the intention of obtaining money, property, or other tangible benefit.

Similarly, s. 250.43, F.S., provides it is a first degree misdemeanor¹² for a person, other than persons entitled, to wear the uniform or insignia of rank worn by officers of the Florida National Guard. Additionally, every person other than an officer or enlisted person of a specified entity¹³ who wears the uniform or any part of such uniform, or imitation thereof, of the United States Army, Navy, Marine Corps, Air Force, Space Force, National Guard, Naval Militia, or Marine Corps commits a first degree misdemeanor.

In *State v. Montas*,¹⁴ the district court held that s. 250.43, F.S., was overbroad and a violation of due process because the statute has the potential to criminalize activities protected by the First Amendment. However, s. 817.312, F.S. addresses the intent element, by prohibiting the unlawful use of uniforms, medals, or insignia *while soliciting for charitable donations or for the purpose of material gain*.

⁸ GovTrack, Stolen Valor Act of 2005, Pub. L. No. 109-437, S. 1998, 109th Cong. (December 20, 2006), available at: <https://www.govtrack.us/congress/bills/109/s1998> (last visited March 3, 2025).

⁹ *United States v. Alvarez*, 567, U.S. 709, 132 S. Ct. 2537, 183 L. Ed. 2d 574 (2012).

¹⁰ *Id.* at 2547.

¹¹ 18 U.S.C. § 704. See GovTrack, Stolen Valor Act of 2013, Pub. L. No. 113-12, H.R. 258, 113th Cong. (June 3, 2013), available at: <https://www.govtrack.us/congress/bills/113/hr258> (last visited March 3, 2025).

¹² A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

¹³ Section 250.43(2), F.S., Specified entities include Florida National Guard, naval militia, or marine corps of this state, any other state, Puerto Rico, or the District of Columbia, or of the United States Army, Navy, Marine Corps, Air Force, or Space Force.

¹⁴ *State v. Montas*, 993 So. 2d 1127 (Fla. 5th DCA 2008).

III. Effect of Proposed Changes:

The bill amends s. 817.312, F.S., which provides that it is a third degree felony for a person to misrepresent himself or herself as a member or veteran of specified armed forces, or to wear the uniform or insignia of specified armed forces, under certain circumstances.

Specifically the bill amends s. 817.312(1)(a)1., F.S., to replace “United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, and United States Space Force” with “*armed forces as defined in s. 250.01.*”

Additionally, s. 817.312(1)(a)2., F.S., is amended to replace “United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy” with “*armed forces as defined in s. 250.01.*”

The bill ensures that the same branches of armed forces are listed in each provision of the statute. Under s. 250.01, F.S., “armed forces,” includes the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill relates to criminal laws prohibiting wearing specified uniforms or insignia, and criminal laws are exempt from the requirements of Article VII, Section 18 of the Florida Constitution, relating to unfunded mandates.

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 insignificant prison bed impact on the Department of Corrections by expanding the conduct prohibited as a third degree felony.

VI. Technical Deficiencies:**VII. Related Issues:**

None.

VIII. Statutes Affected:

This bill amends section 817.312 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.

By Senator Wright

8-00553-25

2025402__

A bill to be entitled

An act relating to unlawful use of uniforms, medals, or insignia; amending s. 817.312, F.S.; prohibiting persons from wearing the uniform of or any medal or insignia authorized for use by members or veterans of the Space Force; making technical changes; providing criminal penalties; providing an effective date.

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

Section 1. Section 817.312, Florida Statutes, is amended to read:

817.312 Unlawful use of uniforms, medals, or insignia.—

(1) (a) A person may not:

1. Misrepresent himself or herself as a member or veteran of the armed forces as defined in s. 250.01 ~~United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force,~~ or the National Guard; or

2. Wear the uniform of or any medal or insignia authorized for use by members or veterans of the armed forces as defined in s. 250.01 ~~United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy,~~ or the National Guard which he or she is not authorized to wear,

while soliciting for charitable contributions or for the purpose of material gain, including, but not limited to, obtaining employment or public office resulting in receiving compensation.

Page 1 of 2

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

8-00553-25

2025402__

(b) This subsection does not prohibit persons in the theatrical profession from wearing such uniforms, medals, or insignia while actually engaged in such profession.

(2) A person who violates subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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

BILL: SB 472

INTRODUCER: Senator Truenow

SUBJECT: Education in Correctional Facilities for Licensed Professions

DATE: March 3, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			ACJ	
3.			FP	

I. Summary:

SB 472 amends s. 944.801, F.S., to require the Department of Corrections (DOC) to coordinate with the relevant professional boards under the Department of Business and Professional Regulation (DBPR) to ensure that inmates who successfully complete classes that are required for licensure in such professions will receive credit towards licensure.

The bill has an indeterminate fiscal impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2025.

II. Present Situation:

The Correctional Education Program

The Correctional Education Program (CEP) within the DOC provides educational programming to inmates in state correctional facilities.¹ The duties of the CEP, in part, include:

- Developing guidelines for collecting education-related information during the inmate reception process and disseminating such information to DOC classification staff.
- Monitoring and assessing all inmate education program services.
- Approving educational programs of the appropriate levels and types in correctional institutions and developing admission procedures for such programs.
- Developing a written procedure for selecting programs to add to or delete from the vocational curriculum and periodically reevaluating such programs.²

¹ Section 944.801, F.S.

² Section 944.801(3), F.S.

The CEP provides 92 career and technical education courses in 37 vocational trades that are aligned to Florida's in-demand occupations.³ Career and technical education courses vary by facility and may include education relating to barbering, cosmetology, electrical contracting, landscaping, plumbing, and HVAC contracting.⁴

The Department of Business and Professional Regulation

The DBPR regulates and licenses specified businesses and professionals in Florida.⁵ The DBPR provides administrative support to professional boards that are responsible for the licensure of applicants, promulgation of rules governing the applicable profession, and the discipline of a licensee.^{6,7} Examples of relevant professional boards under the DBPR include the Barbers' Board, the Construction Industry Licensing Board, the Board of Cosmetology, and the Electrical Contractors' Licensing Board.⁸

III. Effect of Proposed Changes:

The bill amends s. 944.801, F.S., to require the CEP within the DOC to design and implement a plan, in conjunction with the relevant professional boards regulated by the DBPR to ensure that inmates who successfully complete classes that meet the curriculum requirements for professional licensure receive credits towards applicable DBPR licensure requirements.

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.

³ Florida Department of Corrections, *Bureau of Education*, available at <https://www.fdc.myflorida.com/programs/bureau-of-education> (last visited February 24, 2025).

⁴ Florida Department of Corrections, *Annual Report*, available at https://fdc-media.ccplatform.net/content/download/3089/file/Annual_Report_22-23_V10.pdf (last visited February 24, 2025).

⁵ Section 20.165, F.S.

⁶ Section 455.203, F.S.

⁷ Department of Business and Professional Regulation, *Division of Professions*, available at <https://www2.myfloralicense.com/division-of-professions/#1500572400331-dbbb2508-c03f> (last visited February 24, 2025).

⁸ Section 20.165(4)(a), F.S.

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:

By improving coordination of vocational education programs and professional licensure requirements, the bill may have an indeterminate economic impact on the private sector by allowing more inmates to meet educational requirements for licensure while incarcerated. As such, the bill may provide inmates with the opportunity to be licensed by the DBPR regulated professional boards more quickly upon their release.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on state government by requiring the DOC to coordinate with the relevant professional boards regulated by the DBPR to ensure that inmates receive credit towards professional licensure for successfully completing vocational courses. However, the cost of implementing the bill may be absorbed within existing resources.

The DOC reports there is no anticipated fiscal impact of the bill. However, there will be an indeterminate minor technology impact.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 944.801 of the Florida Statutes.

⁹ Florida Department of Corrections, *Agency Bill Analysis SB 472*, (On file with the 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 Truenow

13-00645-25

2025472__

A bill to be entitled

An act relating to education in correctional facilities for licensed professions; amending s. 944.801, F.S.; requiring the Correctional Education Program to develop a plan in conjunction with the boards of professions regulated by the Department of Business and Professional Regulation for inmates to take classes for credit toward licensure requirements; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (3) of section 944.801, Florida Statutes, to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(m) Design and implement a plan, in coordination with the relevant professional boards regulated by the Department of Business and Professional Regulation, to ensure that inmates in a correctional institution who take classes that meet the necessary curriculum requirements as determined by the applicable laws and rules for those professions shall receive credit toward licensure requirements for the successful completion of those classes.

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



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

February 24, 2025

Senator Jonathan Martin
315 Senate Office Building
Tallahassee, FL 32399

Dear Chairman Martin,

I am requesting that SB 472 Education in Correctional Facilities for Licensed Professionals be placed on the next available Criminal Justice Committee meeting.

This bill requires the Correctional Education Program to develop a plan in conjunction with the Department of Business and Professional Regulation, to ensure that inmates in a correctional institution who take classes that meet the necessary curriculum requirements as determined by the applicable laws and rules for those professions shall receive credit toward licensure requirements for the successful completion of those classes.

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: Amanda Stokes, Staff Director
Tori Denson, 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



2025 AGENCY LEGISLATIVE BILL ANALYSIS

Florida Department of Corrections

BILL INFORMATION

BILL NUMBER:	SB 472
BILL TITLE:	Education in Correctional Facilities for Licensed Professions
BILL SPONSOR:	Senator Truenow
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE

1)
2)
3)
4)
5)

CURRENT COMMITTEE

--

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS

BILL NUMBER:	HB 195
SPONSOR:	Representative Chambliss

Is this bill part of an agency package?

No.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	01/30/2025
LEAD AGENCY ANALYST:	Jason Puwalski
ADDITIONAL ANALYST(S):	Jennifer Rechichi, Katherine Thompson, Tiffany Harrell
LEGAL ANALYST:	Jennifer Egbert
FISCAL ANALYST:	Greg Holcomb

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

SB 472 amends s.944.801, F.S., requiring the Correctional Education Program to develop a plan in conjunction with the relevant professional boards regulated by the Department of Business and Professional Regulation (DBPR) to ensure inmates who take classes that meet the necessary curriculum requirements for licensure receive credit towards licensure requirements; and providing an effective date.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

In partnership with local colleges and community education providers, the Florida Department of Corrections provides more than 100 career and technical education (CTE) courses in many distinct vocational trades spanning multiple career clusters.

At present time, the Barbering and Cosmetology courses satisfy educational training requirements for professional licensure. The DBPR recognizes credits earned within the programs for such purposes in accordance with s. 476.114 and s. 477.019 (2)(c)(4), F.S., respectively, which identify government-operated programs as recognized training programs.

2. EFFECT OF THE BILL:

Lines 13-25:

The added language requires the FDC, in coordination with the relevant professional boards regulated by the DBPR, to design and implement a plan to ensure that inmates in a correctional institution who take and successfully complete courses that meet the necessary curriculum requirements determined by applicable law and rule for those professions, receive credit towards licensure requirements.

Since FDC's CTE courses, with the exception of Barbering and Cosmetology, do not train to the level necessary to meet curriculum requirements for licensure, it is anticipated that this bill would have a limited impact in the present Correctional Education Program.

As FDC continues to enhance and expand CTE programming in alignment with available resources, communication with the relevant professional boards regulated by the DBPR will need to be initiated from the Office of Programs and Re-Entry to facilitate inter-agency communication that promotes awareness of FDC training courses meeting education curriculum requirements for licensure and a forum in which to discuss and develop best practices for questions regarding these courses.

There is no anticipated fiscal impact of this bill.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

If yes, explain:	N/A
What is the expected impact to the agency's core mission?	N/A
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	N/A
Provide a summary of the proponents' and opponents' positions:	N/A

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Appointee Term:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS**1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?**

Revenues:	Unknown
Expenditures:	Unknown
Does the legislation increase local taxes or fees?	No
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	There is no anticipated fiscal impact of this bill.
Expenditures:	There is no anticipated fiscal impact of this bill.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	Unknown
-----------	---------

Expenditures:	Unknown
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill decrease taxes, fees or fines?	No
What is the impact of the increase or decrease?	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	There will be minor technology impact.
If yes, describe the anticipated impact to the agency including any fiscal impact.	The impact is indeterminate.

FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	N/A
If yes, describe the anticipated impact including any fiscal impact.	N/A

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	If/when additional programs train to the level necessary to meet curriculum requirements for licensure, FDC should ensure that the programs meet requirements to obtain credits and communicate with the relevant professional boards regulated by the DBPR to ensure licensure. FDC will also need to review its existing contracts and agreements for CTE courses, ensure alignment with changes to certification or credentialing and amend where needed.
--	--

The Florida Senate

APPEARANCE RECORD

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

3/4/25
Meeting Date

SB 472
Bill Number or Topic

CS
Committee

Amendment Barcode (if applicable)

Name Denise Mack for Florida Cares

Phone 561 502 0393

Address 11447 Blue Violet Ln
Street

Email denise@Floridacares
charity.org

WPCB FL 33411
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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

3/4/25

Meeting Date

SB 472

Bill Number or Topic

Senate Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Christina Minor

Phone 321-223-4232

Address 1445 Spruce Ave
Street

Email eminor@fja.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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

3.3.25

Bill Number or Topic

472

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Amendment Barcode (if applicable)

Name

Albert Balido

Phone

850 257 3440

Address

215 S Monroe St #601

Email

Street

Tall

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:

Florida Policy Institute

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/4/2025

Meeting Date

Criminal Justice

Committee

Name Jessica Kraynak

Address 227 South Adams Street

Street

Tallahassee

City

Florida

State

32301

Zip

The Florida Senate
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SB 472

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-222-4082

Email jessica@frf.org

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 Retail Federation

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/4/2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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472

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Andrew Rutledge**

Phone **8506816788**

Address **119 S Monroe St**

Email **Andrew@rutledge-ecenia.com**

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:

FACDL

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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3/4/25

Meeting Date

Criminal Justice

Committee

SB472

Bill Number or Topic

Amendment Barcode (if applicable)

Name Derick TabertshoferPhone 863-220-0138Address 107 E. College Ave.
StreetEmail dtabertshofer@alpha.orgTallahassee

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

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)

March 4, 2025

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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472

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

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:

Fla. Smart Justice Alliance

☐ 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)

March 4, 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 472

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Gus Corbella**

Phone **850-443-8925**

Address **101 East College Avenue**

Email **corbella@gtlaw.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:

**Florida Rights Restoration
Coalition**

☐ 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)

3/4/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB472

Bill Number or Topic

Committee _____

Name Katie Bohnett + ("Bow-Net") Phone 850.339.9599

Address 2173 Seminole DR Email kbohnett@safeandjust.org
Street

TLH, FL 32304
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:

Alliance for
Safety & Justice

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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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 Committee on Criminal Justice

BILL: CS/SB 490

INTRODUCER: Criminal Justice Committee and Senator Collins

SUBJECT: Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, and Military Servicemembers

DATE: March 4, 2025

REVISED: 3/4/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 490 amends s. 790.052, F.S., to provide that certain correctional probation officers have the right to carry concealed firearms during off-duty hours at the discretion of their superior officers, and perform their normal law enforcement function, using their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Additionally, the bill provides that correctional probation officers meet to the definition of “qualified law enforcement officer,” and the definition of “qualified retired law enforcement officer.”

The superior officer of the Department of Corrections can direct the officers under his or her supervision to carry concealed firearms while off duty, if he or she files a statement with the governing body containing instructions and requirements relating to the carrying of said firearms.

The bill amends s. 790.0655, F.S., to define “holder of a concealed weapons or concealed firearms license” for purposes of the 3-day wait section. A holder of a concealed weapons or concealed firearms license includes, a person who holds a valid license issued under s. 790.06.,

F.S., a law enforcement officer, a correctional officer, a correctional probation officer, and a servicemember as defined in s. 250.01, F.S.¹.

Under the bill a law enforcement officer, correctional officer, or correctional probation officer does not have to wait 3 days to take possession of a purchased firearm.

The bill takes effect on July 1, 2025.

The bill does not have a fiscal impact.

II. Present Situation:

Carrying a Concealed Weapon or Firearm With or Without a License

The Licensure Requirements

The Department of Agriculture and Consumer Services (DACS) is statutorily authorized to issue concealed weapon and concealed firearm licenses to applicants who qualify.² For purposes of the concealed carry licensure law, “concealed weapons or concealed firearms” means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.³

To obtain a concealed weapon or concealed firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A full frontal view color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapon and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.⁴

The DACS must issue the license to carry a concealed weapon or concealed firearm if all other requirements are met and the applicant:

¹ “Servicemember” means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.

² Section 790.06(1), F.S.

³ *Id.*

⁴ Section 790.06,(4)-(5) F.S.

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;⁵
- Is 21 years of age or older;⁶
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;⁷
- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.⁸

Pursuant to s. 790.06(3), F.S., the DACS must deny the application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended

⁵ Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.

⁶ Pursuant to s. 790.062, F.S., the DACS must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.

⁷ It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.

⁸ Section 790.06(2), F.S.

for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.⁹

The DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.¹⁰
- Upon notification by a law enforcement agency, a court, or the FDLE and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.¹¹
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.¹²

Expedited Concealed Carry License Processing for Military, Law Enforcement License

A servicemember¹³ or a veteran¹⁴ may request expedited processing of his or her application.¹⁵ For expedited processing of an application:

- A servicemember must submit a copy of the Common Access Card, United States Uniformed Services Identification Card, or current deployment orders.
- A veteran must submit a copy of the DD Form 214, issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs.¹⁶

Law Enforcement Exceptions to Licensure Requirement

A person holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer is exempt from the licensing requirements of s. 790.06, F.S.¹⁷ The officers are defined as:

- “Law enforcement officer”¹⁸ means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with

⁹ Section 790.06(3), F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ “Servicemember” means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.

¹⁴ “Veteran” means” a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. s. 1.01(14), F.S.

¹⁵ Section 790.06(4)(f), F.S.

¹⁶ Section 790.06(4)(f), F.S.

¹⁷ Section 790.06(5)(b), F.S.

¹⁸ Section 943.10(1), F.S.

authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, and special officers employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.

- “Correctional officer”¹⁹ means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.
- “Correctional probation officer”²⁰ means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including the probation and parole regional administrator level.
- “Part-time law enforcement officer”²¹ means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.
- “Part-time correctional officer”²² means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.
- “Auxiliary law enforcement officer”²³ means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.
- “Auxiliary correctional officer”²⁴ means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision,

¹⁹ Section 943.10(2), F.S.

²⁰ Section 943.10(3), F.S.

²¹ Section 943.10(6), F.S.

²² Section 943.10(7), F.S.

²³ Section 943.10(8), F.S.

²⁴ Section 943.10(9), F.S.

protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.²⁵

If such individual wishes to receive a concealed weapon or concealed firearm license, he or she is exempt from the background investigation and all background investigation fees but must pay the current license fees regularly required to be paid by nonexempt applicants.²⁶ Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3), F.S. is exempt from the required fees and background investigation for one year after his or her retirement.²⁷

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.²⁸

Carrying a Concealed Weapon or Concealed Firearm Without a License

A person is authorized to carry a concealed weapon or concealed firearm²⁹ if he or she:

- Is licensed under s.790.06, F.S.; or
- Is not licensed under s.790.06, F.S. but otherwise satisfies the criteria for receiving and maintaining such a license.³⁰

A person who carries a concealed weapon or concealed firearm without a license³¹ must carry valid identification at all times when he or she is in actual possession of a concealed weapon or concealed firearm and must display such identification upon demand by a law enforcement officer.³² The person must also abide by s.790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm.³³

Purchase of a Firearm from a Licensed Dealer

A federally licensed firearm dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

²⁵ Section 790.06(5)(b), F.S.

²⁶ Section 790.06(5)(b), F.S.

²⁷ Section 790.06(5)(b), F.S.

²⁸ Section 790.051, F.S.

²⁹ “Concealed weapon or firearm” as applied in s.790.06, F.S. means a handgun, electric weapon or device, tear gas gun, knife, or billie, but does not include a machine gun as that term is defined in ss.790.001, and 790.06(1)(a), F.S.

³⁰ Section 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

³¹ Section 790.01(1)(b), F.S.

³² Section 790.013, F.S.

³³ Section 790.06(12)(a), F.S., lists the locations where a person is not authorized to openly carry a handgun (defined in s. 790.001(10), F.S. as a firearm capable of being carried and used by one hand, such as a pistol or revolver) or carry a concealed weapon or concealed firearm.

- Obtained a completed form from the potential buyer (transferee), which must include identifying information such as the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee; and
- Inspected proper identification including an identification containing a photograph of the potential buyer or transferee.³⁴

These are the first steps in the firearm purchase process, followed by collecting a fee and initiating the background check.³⁵

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license³⁶ or holds an active certification from the Criminal Justice Standards and Training Commission³⁷ as a “law enforcement officer³⁸,” a “correctional officer³⁹,” or a “correctional probation officer⁴⁰,” the federally licensed dealer is not required to collect the background check fee or run the background check before making the sale.⁴¹

Three-Day Waiting Period

A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is three days, excluding weekends and legal holidays, or expires at the completion of the records checks required under s. 790.065, F.S., whichever occurs later.⁴²

The waiting period does not apply when a firearm is being purchased by a holder of a concealed weapons or concealed firearms license issued under s. 790.06., F.S.⁴³

III. Effect of Proposed Changes:

The bill amends s. 790.052(1)(a), F.S., to provide that correctional probation officers⁴⁴ holding active certifications from the Criminal Justice Standards and Training Commission⁴⁵ may carry concealed firearms during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers.

³⁴ Section 790.065(1)(a)1., F.S.

³⁵ Section 790.065(1), F.S.

³⁶ Section 790.06, F.S.

³⁷ Section 943.1395, F.S.

³⁸ Section 943.10(1), F.S.

³⁹ Section 943.10(2), F.S.

⁴⁰ Section 943.10(3), F.S.

⁴¹ Section 790.065(1)(b), F.S.; *See also* “[T]he dealer must verify the transferee's identity by examining the identification document described in the transferee's statement. Thus, licensed firearms dealers are required to keep information about the identity of firearms buyers in their records.” 18 U.S.C.A. 922(s)(3); and “After the transferee has executed the Form 4473, the licensee: (i) Shall verify the identity of the transferee by examining the identification document (as defined in § 478.11) presented, and shall note on the Form 4473 the type of identification used.” 27 C.F.R. 478.124 (c)(3)(i).

⁴² Section 790.0655(1)(a), F.S.

⁴³ Section 790.0655(2)(a), F.S.

⁴⁴ Section 943.10(3), F.S.

⁴⁵ Section 943.1395, F.S.

The bill amends s. 790.052(1)(b), F.S. to provide that correctional probation officers⁴⁶ holding active certifications from the Criminal Justice Standards and Training Commission⁴⁷ meet the definition of “qualified law enforcement officer,” and “qualified retired law enforcement officer.”

The superior officer of the Florida Department of Corrections, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, must file a statement with the governing body of the department of his or her instructions and requirements relating to the carrying of the firearms.

The bill amends s. 790.0655(4), F.S. to provide the meaning of “holder of a concealed weapons or concealed firearms license” for purposes of the 3-day wait section.

A holder of a concealed weapons or concealed firearms license includes:

- A person who holds a valid license issued under s. 790.06., F.S.;
- A law enforcement officer, correctional officer, or correctional probation officer⁴⁸; and
- A servicemember as defined in s. 250.01, F.S.⁴⁹

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.

⁴⁶ Section 943.10(3), F.S.

⁴⁷ Section 943.1395, F.S.

⁴⁸ Sections 943.10(1), 943.10(2), and 943.10(3), F.S., respectively.

⁴⁹ Servicemember means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.

E. Other Constitutional Issues:

None noted.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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: 790.052, 790.0655..

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

The Committee on Criminal Justice adopted CS/SB 490 on March 4, 2025. The CS:

- Adds certain correctional probation officers to the list of persons who have the right to carry concealed firearms under certain circumstances, and to the list of persons who are “qualified law enforcement officers” or “qualified retired law enforcement officers.”
- Provides that the superior officer of the Department of Corrections can direct the officers under his or her supervision to carry concealed firearms while off duty under certain circumstances.
- Removes the 3-day waiting period for any firearm purchases by law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers,

correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, and servicemembers.

B. Amendments:

None.

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



442658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2025	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

790.052 Carrying concealed firearms; off-duty law
enforcement officers.—

(1)(a) All persons holding active certifications from the
Criminal Justice Standards and Training Commission as law
enforcement officers, ~~or~~ correctional officers, or correctional
probation officers as defined in s. 943.10(1), (2), (3), (6),



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(7), (8), or (9) shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

(b) All persons holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, ~~or~~ a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) meet the definition of "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

(c) All persons who held an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, ~~or~~ correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), while working for an employing agency, as defined in s. 943.10(4), but have separated from service under the conditions set forth in 18 U.S.C. s. 926C(c), meet the definition of "qualified retired law enforcement officer."

(d) This section does not limit the right of a law enforcement officer, correctional officer, or correctional probation officer to carry a concealed firearm off duty as a private citizen under the exemption provided in s. 790.06 that allows a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to carry a concealed firearm without a concealed weapon or concealed firearm license or as otherwise provided by law. The appointing or employing agency or



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department of an officer carrying a concealed firearm as a private citizen is not liable for the use of the firearm in such capacity. This section does not limit the authority of the appointing or employing agency or department from establishing policies limiting law enforcement officers or correctional officers from carrying concealed firearms during off-duty hours in their capacity as appointees or employees of the agency or department.

(2) The superior officer of any police department or sheriff's office or the Florida Highway Patrol, or Florida Department of Corrections, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, shall file a statement with the governing body of such department of his or her instructions and requirements relating to the carrying of said firearms.

Section 2. Section 790.0655, Florida Statutes, is amended to read

790.0655 Purchase and delivery of firearms; mandatory waiting period; exceptions; penalties.—

(1)(a) A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later. ~~"Purchase" means the transfer of money or other valuable consideration to the retailer.~~
~~"Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as~~



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~~defined in s. 212.02(13).~~

(b) Records of firearm sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The waiting period does not apply in the following circumstances:

(a) When a firearm is being purchased by a holder of a concealed weapons or concealed firearms license ~~issued under s. 790.06.~~

(b) To a trade-in of another firearm.

(c) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter safety course and possessing a hunter safety certification card issued under s. 379.3581. A person who is exempt from the hunter safety course requirements under s. 379.3581 and holds a valid Florida hunting license is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

~~(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.~~

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a firearm before the expiration of the waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm by fraud, false pretense, or false representation.



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(4) For purposes of this section, the term:

(a) "Holder of a concealed weapons or concealed firearms license" includes all of the following:

1. A person who holds a valid license issued under s. 790.06.

2. A law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9).

3. A servicemember as defined in s. 250.01.

(b) "Purchase" means the transfer of money or other valuable consideration to the retailer.

(c) "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

Section 3. 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 concealed carry licensing
requirements for law enforcement officers,
correctional officers, correctional probation
officers, and military servicemembers; amending
s.790.052 F.S.; providing that correctional probation
officers shall have the right to carry concealed



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firearms, during off-duty hours, at the discretion of
their superior officers, and may perform law
enforcement functions under limited circumstances;
including correctional probation officers within the
definition of "qualified law enforcement officer";
including correctional probation officers within the
definition of "qualified retired law enforcement
officer"; providing that should the superior officer
of the Florida Department of Corrections decide to
direct the officers under his or her supervision to
carry concealed firearms while off duty, the governing
body of the department must be informed; amending
s.790.0655, F.S.; deleting the required three day
waiting period for law enforcement officers,
correctional officers, and servicemembers to purchase
a rifle or shotgun; specifying the definition of
"holder of a concealed weapons or concealed firearms
license"; providing an effective date.



972514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2025	.	
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	.	
	.	

The Committee on Criminal Justice (Collins) recommended the following:

Senate Amendment to Amendment (442658)

Delete line 103

and insert:

2. A law enforcement officer, correctional officer, or
correctional probation officer, as

By Senator Collins

14-00882-25

2025490__

1 A bill to be entitled
2 An act relating to concealed carry licensing
3 requirements for law enforcement officers,
4 correctional officers, and military servicemembers;
5 amending s. 790.051, F.S.; providing that law
6 enforcement officers, correctional officers, and
7 military servicemembers are considered to be in
8 compliance with concealed weapons and concealed
9 firearms licensing requirements with valid
10 identification; providing an effective date.
11
12 Be It Enacted by the Legislature of the State of Florida:
13
14 Section 1. Section 790.051, Florida Statutes, is amended to
15 read:
16 790.051 ~~Exemption from~~ Licensing requirements ~~for~~ law
17 enforcement officers, correctional officers, and military
18 servicemembers.—
19 (1) Law enforcement officers are exempt from the licensing
20 and penal provisions of this chapter when acting at any time
21 within the scope or course of their official duties or when
22 acting at any time in the line of or performance of duty.
23 (2) A law enforcement officer as defined in s. 943.10(1), a
24 correctional officer as defined in s. 943.10(2), or a
25 servicemember of the United States Armed Forces as defined in s.
26 250.01 satisfies the requirements of s. 790.06(2) and is
27 considered to be licensed to carry concealed weapons or
28 concealed firearms for the purposes of this chapter with valid
29 employer-issued identification indicating that he or she is such

Page 1 of 2

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

14-00882-25

2025490__

30 an officer or servicemember.
31 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: February 27, 2025

I respectfully request that **Senate Bill #490** , relating to Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, and Military Servicemembers, be placed on the:

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

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

Senator Jay Collins
Florida Senate, District 14

Tuesday, March 4, 2025

The Florida Senate
APPEARANCE RECORD

SB 490

Meeting Date
CRIMINAL JUSTICE

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

Bill Number or Topic
442658

Committee
Name **Luis Valdes**

Amendment Barcode (if applicable)
Phone **703-321-8585**

Address **8001 Forbes Place - Suite 202**

Email **Luis.Valdes@gunowners.org**

Street

Springfield

VA

22151

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:

Gun Owners of America, Inc.

☐ 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)

Tuesday, March 4, 2025

Meeting Date
CRIMINAL JUSTICE

Committee

Name **Luis Valdes**

Address **8001 Forbes Place - Suite 202**

Street

Springfield

City

VA

State

22151

Zip

The Florida Senate

APPEARANCE RECORD

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

SB 490

Bill Number or Topic

972514

Amendment Barcode (if applicable)

Phone **703-321-8585**

Email **Luis.Valdes@gunowners.org**

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

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

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representing:

Gun Owners of America, Inc.

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S-001 (08/10/2021)

Tuesday, March 4, 2025

The Florida Senate
APPEARANCE RECORD

SB 490

Meeting Date

CRIMINAL JUSTICE

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Luis Valdes Phone 703-321-8585

Address 8001 Forbes Place - Suite 202 Email Luis.Valdes@gunowners.org

Street

Springfield VA 22151

City

State

Zip

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

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representing:

Gun Owners of America, Inc.

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB490

Meeting Date

Bill Number or Topic

Committee

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

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:

FL PBA

☐

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/4/25

Meeting Date

CRIMINAL JUSTICE

Committee

490

Bill Number or Topic

ARTER AMENDED

Amendment Barcode (if applicable)

Name William B. Smith

Phone 305-333-4344

Address 300 E BREVARD ST
Street

Email WSMITH@FLPBA.ORG

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:

FL PBA

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/4/25

Meeting Date

CJ

Committee

SB490

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lt. Abby Hilkey

Phone

321-209-7054

Address

Street

Email

abby.hilkey@csos.fl.com

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:

Orange County
Sheriff's Office

☐

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

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S-001 (08/10/2021)

March 4, 2025

The Florida Senate

APPEARANCE RECORD

490

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**Phone **850-510-9922**Address **1454 Vieux Carre Drive**Email **Barney@BarneyBishop.com**

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Committee

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

March 4, 2025

Meeting Date

Criminal Justice

Committee

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

SB470

Bill Number or Topic

442658

OP

Amendment Barcode (if applicable)

Name

Gerald "Jed" Carroll

Phone

703-321-8585

Address

8001 Forbes Place Suite 202

Email

Jed@Gurowners.org

Street

Springfield Va. 22151

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:

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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 Committee on Criminal Justice

BILL: CS/SB 628

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Boating Safety

DATE: March 3, 2025

REVISED: 3/4/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Fav/CS
2.			TR	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 628 amends several statutes related to boating safety and provides that this act may be cited as “Lucy’s Law.”

The bill amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury. If a person leaves the scene and the accident results in:

- Property damage only, the person commits a first degree misdemeanor.¹
- Injury to a person other than serious bodily injury, the person commits a third degree felony.
- Serious bodily injury, the person commits a second degree felony.²
- The death of another person or an unborn child, the person commits a first degree felony.³
 - A person commits a third degree felony if he or she was operating a vessel involved in an accident that results in death of another person or an unborn child and provides a false statement to an investigating law enforcement officer.⁴

¹ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

² 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.

³ A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

⁴ Section 327.30, F.S.

The bill amends s. 327.33, F.S., to provide criminal penalties for careless operation of a vessel. Current law provides that careless operation of a vessel is a noncriminal infraction. Under the bill, careless operation of a vessel that:

- Does not result in an accident, is a noncriminal infraction.
- Results in an accident that does not cause serious bodily injury, is a third degree felony.
- Results in an accident that causes serious bodily injury, is a second degree felony.
- Results in an accident that causes the death of another person or an unborn child, is a first-degree felony.

The bill creates s. 327.35105, F.S., to provide that the driver license of a person who is convicted of a violation of reckless or careless operation of a vessel,⁵ or boating under the influence (BUI)⁶ must be suspended until all orders of the court have been satisfied.

The bill amends ss. 357.02 and 327.54, F.S., to revise the definition of “livery vessel,” and “livery.”

The bill amends s. 782.072, F.S., to revise the definition of the term “vessel homicide” to include the death of an unborn child caused by injury to the mother.

The bill may have a positive indeterminate impact. *See Section V. Fiscal Impact Statement.*

The bill is effective on July 1, 2025.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources.⁷ Chapter 327, F.S., concerning vessel safety, is enforced by the FWC’s Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.⁸

⁵ Section 327.33, F.S., provides that it is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person is guilty of reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6). A person who violates this subsection commits a first degree misdemeanor.

⁶ Section 327.35, F.S., provides that a person is guilty of boating under the influence and is subject to punishment if the person is operating a vessel within this state and the person is under the influence of alcoholic beverages, and any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person’s normal faculties are impaired. Such person commits a first degree misdemeanor.

⁷ FLA. CONST. art. IV, s. 9. There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The FWC shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the FWC shall be prescribed by general law.

⁸ Section 327.70(1), F.S.

The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.⁹ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.¹⁰

Boating Crimes

Vessel Homicide

Vessel homicide is the killing of a human being by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another.¹¹ Vessel homicide is generally a second degree felony;¹² however, it is a first degree felony if:

- At the time of the accident, the person knew or should have known, that the accident occurred;¹³ and
- The person failed to give information and render aid as required.¹⁴

Careless and Reckless Boating

Generally, a person may not operate a vessel in a reckless or careless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person, commits the first degree misdemeanor offense of reckless operation of a vessel.¹⁵

A person must operate a vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. Failing to operate a vessel in this manner is the noncriminal infraction of careless operation.¹⁶

Leaving the Scene

⁹ Fish and Wildlife Conservation Commission (FWC), *Boating*, available at <https://myfwc.com/boating/> (last visited February 27, 2025).

¹⁰ Fish and Wildlife Conservation Commission (FWC), *Law Enforcement*, available at <https://myfwc.com/about/inside-fwc/le/> (last visited February 27, 2025). The FWC's Division of Law Enforcement is responsible for protecting Florida's natural resources, including fish, wildlife and the environment, while providing a safe atmosphere for residents and visitors to recreate. Fish and Wildlife Conservation Commission (FWC) officers have full police powers and statewide jurisdiction. They patrol rural, wilderness and inshore and offshore areas and are often the sole law enforcement presence in many remote parts of the state. The Division of Law Enforcement has cooperative agreements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Officers are also cross-deputized to enforce federal marine fisheries and wildlife laws, thus ensuring state and federal consistency in resource-protection efforts.

¹¹ Section 782.072, F.S.

¹² Section 782.072(1), F.S.

¹³ Section 782.072(2)(a), F.S.

¹⁴ Section 782.072(2)(b), F.S.

¹⁵ Section 327.33(1), F.S.

¹⁶ Section 327.33(2), F.S.

It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he or she can do so without serious danger to the operator's own vessel, crew, and passengers, to render assistance to other persons. Additionally, he or she must give his or her name, address, and identification of his or her vessel in writing to any person injured and to the owner of any property damaged. The operator must also take all reasonable steps to locate and notify the owner or person in charge of an unattended vessel involved in an accident.¹⁷

A person commits a second degree misdemeanor for leaving the scene of a vessel involved in an accident, if such accident results in property damage only.

A person commits a third degree felony for leaving the scene of a vessel involved in an accident, if such accident results in personal injury.¹⁸

Boating Under the Influence

A person is guilty of BUI if the person is operating a vessel in this state and the person:

- Is under the influence of an alcoholic beverage, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., when affected to the extent that the person's normal faculties are impaired;¹⁹
- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood;²⁰ or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.²¹

The criminal penalties for BUI vary depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.²²

The penalties for a first or second BUI offense includes:

- A fine of not less than \$500 or more than \$1,000 for a first conviction.²³
- A fine of not less than \$1,000 or more than \$2,000 for a second conviction.²⁴
- Imprisonment for not more than 6 months for a first conviction.²⁵
- Imprisonment for not more than 9 months for a second conviction.²⁶
- A period of probation not exceeding one year for a first conviction.²⁷
- A mandatory 50 hours of community service,²⁸ and a mandatory 10-day vessel impoundment or immobilization for a first conviction.²⁹

¹⁷ Section 327.30(1), F.S.

¹⁸ Section 327.30(5), F.S.

¹⁹ Section 327.35(1)(a), F.S.

²⁰ Section 327.35(1)(b), F.S.

²¹ Section 327.35(1)(c), F.S.

²² Section 327.35, F.S.

²³ Section 327.35(2)(a)1., F.S.

²⁴ Section 327.35(2)(a), F.S.

²⁵ Section 327.35(2)(a)2.a., F.S.

²⁶ Section 327.35(2)(a)2.b., F.S.

²⁷ Section 327.35(6)(a), F.S.

²⁸ *Id.*

²⁹ *Id.*

- A mandatory term of imprisonment of at least 10 days and a mandatory 30-day vessel impoundment or immobilization for a second conviction that occurs within a period of 5 years after the date of a prior conviction.³⁰

Any person who is convicted of a third BUI for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a third degree felony.³¹ Additionally, the court must order imprisonment of at least 30 days, and order the impoundment or immobilization of the vessel for 90 days.³²

Any person who is convicted of a third BUI for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months.³³

Any person who is convicted of a fourth or subsequent BUI, regardless of when any prior conviction for a violation of this section occurred commits a third degree felony. The fine imposed for a fourth or subsequent violation may not be less than \$2,000.³⁴

Any person who commits BUI, who operates a vessel, and who by reason of such operation causes or contributes to causing:

- Damage to the property or person of another commits a first degree misdemeanor.³⁵
- Serious bodily injury to another commits a third degree felony.³⁶
- The death of any human being commits BUI manslaughter and commits a second degree felony.³⁷
- If at the time of the accident the person knew, or should have known, that the accident occurred and failed to give information and render aid, such person commits a first degree felony.³⁸

Any person who is convicted of a BUI and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a BUI and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, must be punished.³⁹

- By a fine of:
 - Not less than \$1,000 or more than \$2,000 for a first conviction.⁴⁰
 - Not less than \$2,000 or more than \$4,000 for a second conviction.⁴¹
 - Not less than \$4,000 or a third or subsequent conviction.⁴²

³⁰ Section 327.35(6)(b), F.S.

³¹ Section 327.35(2)(b)1., F.S.

³² Section 327.35(6)(c), F.S.

³³ Section 327.35(2)(b)2., F.S.

³⁴ Section 327.35(2)(b)3., F.S.

³⁵ Section 327.35(3)(c)1., F.S.

³⁶ Section 327.35(3)(c)2., F.S.

³⁷ Section 327.35(3)(c)3.a., F.S.

³⁸ Section 327.35(3)(c)b., F.S., penalties for this subsection does not require that the person know that the accident resulted in injury or death.

³⁹ Section 327.35(4), F.S.

⁴⁰ Section 327.35(4)(a)1., F.S.

⁴¹ Section 327.35(4)(a)2., F.S.

⁴² Section 327.35(4)(a)3., F.S.

- By imprisonment for:
 - Not more than 9 months for a first conviction.⁴³
 - Not more than 12 months for a second conviction.⁴⁴

Additionally, the court must place any person convicted of BUI to monthly reporting probation and must require attendance at a substance abuse course specified by the court. The agency conducting the course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment.⁴⁵

Boarding a vessel (Search)

The Florida Supreme Court has held that the state's interest in random stopping and brief detention of motorboats for limited purposes outweighs a person's interest in being completely free from such limited intrusion.⁴⁶ No officer shall board any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard. When the owner or operator is aboard, an officer may board a vessel with consent or when the officer has probable cause or knowledge to believe that a violation of a provision of this chapter has occurred or is occurring. An officer may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by a law enforcement officer, or when the safety or marine sanitation equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.⁴⁷ However, law enforcement officers of the FWC have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products.⁴⁸

Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Such law enforcement officers may arrest any person in the act of violating this law, the rules of the FWC, or any of the laws of this state. It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the FWC.⁴⁹

Livery

Section 327.54, F.S., provides safety regulations for liveries and livery vessels. A vessel that is leased, rented or chartered to another for consideration is a livery vessel.

⁴³ Section 327.35(4)(b)1., F.S.

⁴⁴ Section 327.35(4)(b)2., F.S.

⁴⁵ Section 327.35(5), F.S.

⁴⁶ *State v. Casal*, 410 So. 2d 152 (Fla. 1982).

⁴⁷ Section 327.56 (1), F.S.

⁴⁸ Section 379.3313, F.S.

⁴⁹ Section 379.3313(1), F.S.

A livery is a person who advertises and offers a livery vessel for the use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. The following are not a livery.

- The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration.
- A public or private school or postsecondary institution.⁵⁰

III. Effect of Proposed Changes:

The bill amends several statutes relating to boating safety, and provides that the act may be cited as “Lucy’s Law.”

The bill amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury. If a person leaves the scene and the accident results in:

- Property damage only, the person commits a first degree misdemeanor.⁵¹
- Injury to a person other than serious bodily injury, the person commits a third degree felony.
- Serious bodily injury, the person commits a second degree felony.⁵²
- The death of another person or an unborn child, the person commits a first degree felony.⁵³
 - A person commits a third degree felony if he or she was operating a vessel involved in an accident that results in death of another person or an unborn child and provides a false statement to an investigating law enforcement officer.⁵⁴

The bill amends s. 327.33, F.S., to provide penalties for careless operation of a vessel. Current law provides that careless operation of a vessel is a noncriminal infraction. Under the bill, careless operation of a vessel that:

- Does not result in an accident, is a noncriminal violation.
- Results in an accident that does not cause serious bodily injury, is a third degree felony.
- Results in an accident that causes serious bodily injury, is a second degree felony.
- Results in an accident that causes the death of another person or an unborn child, is a first degree felony.

⁵⁰ Section 327.54(1)(c), F.S.

⁵¹ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

⁵² 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.

⁵³ A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

⁵⁴ A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in ss. 775.082, 775.083, and 775.083, F.S.

The bill creates s. 327.35105, F.S., to provide that the driver license of a person who is convicted of a violation of a violation of reckless or careless operation of a vessel⁵⁵ or BUI⁵⁶ must be suspended until all orders of the court have been satisfied.

The bill amends s. 327.02, F.S., to revise the definition of the term “livery vessel” to mean a vessel leased or rented.

The bill amends. s. 327.54, F.S., to revise the definition of the term “livery” to mean a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration when such person does not also provide *or does not require* the lessee or renter to *provide as a condition of the rental or lease agreement a person licensed by the United States Coast Guard to serve as master of the vessel or to captain or manage the vessel*. The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A public or private school or postsecondary institution located within this state is not a livery.

The bill amends s. 782.072, F.S., to revise the definition of the term “vessel homicide” to mean the killing of a human being *including the death of an unborn child*⁵⁷ *caused by injury to the mother*, by operation of a vessel⁵⁸ by another in a reckless manner likely to cause the death of, or great bodily harm to, another.

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.

⁵⁵ Section 327.33, F.S., provides that it is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person is guilty of reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6). A person who violates this subsection commits a first degree misdemeanor.

⁵⁶ Section 327.35, F.S., provides that a person is guilty of boating under the influence and is subject to punishment if the person is operating a vessel within this state and the person is under the influence of alcoholic beverages, and any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person’s normal faculties are impaired. Such person commits a first degree misdemeanor.

⁵⁷ Section 775.021(5)(e), F.S., defines an “unborn child” as a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.

⁵⁸ Section 327.02(34), F.S., defines “operate” to mean to be in charge of, in command of, or in actual physical control of a vessel upon the waters of this state, to exercise control over or to have responsibility for a vessel’s navigation or safety while the vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state.

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 a positive indeterminate impact on the Department of Corrections due to the increase in penalties which may result in an increase in beds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.02, 327.30, 327.33, 327.54, and 782.072.

This bill creates section 327.35105 of the Florida Statutes.

This bill re-enacts section 327.395 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 4, 2025:

The committee substitute:

- Removed the provision that struck the probable cause requirement for a law enforcement officer to require a person to submit to a blood test.
- Removed the provision requiring all persons to have specified documents in their possession while operating a vessel.

- B. **Amendments:**

None.



514168

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 102 - 151.

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

And the title is amended as follows:

Delete lines 11 - 18

and insert:

or careless operation of a vessel; amending s. 327.54,
F.S.;

By Senator Martin

33-01589-25

2025628__

A bill to be entitled

An act relating to boating safety; providing a short title; amending s. 327.02, F.S.; revising the definition of the term "livery vessel"; amending s. 327.30, F.S.; revising and providing penalties for vessel collisions, accidents, and casualties; amending s. 327.33, F.S.; revising and providing penalties for reckless or careless operation of a vessel; creating s. 327.35105, F.S.; requiring the suspension of driver licenses for boating under the influence and reckless or careless operation of a vessel; amending s. 327.353, F.S.; requiring a vessel operator to submit to a blood test without probable cause in cases of death or serious bodily injury; reenacting and amending s. 327.395, F.S.; requiring that all persons, rather than only persons born on or after a specified date, have specified documents in their possession while operating a vessel; amending s. 327.54, F.S.; revising the definition of the term "livery"; amending s. 782.072, F.S.; revising the definition of the term "vessel homicide"; defining the term "unborn child"; providing an effective date.

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

Section 1. This act may be cited as "Lucy's Law."

Section 2. Subsection (24) of section 327.02, Florida Statutes, is amended to read:

327.02 Definitions.—As used in this chapter and in chapter

Page 1 of 7

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

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2025628__

328, unless the context clearly requires a different meaning, the term:

(24) "Livery vessel" means a vessel leased or rented, ~~or chartered to another for consideration.~~

Section 3. Subsection (5) of section 327.30, Florida Statutes, is amended to read:

327.30 Collisions, accidents, and casualties.—

(5) It is unlawful for a person operating a vessel involved in an accident or injury to leave the scene of the accident or injury without giving all possible aid to all persons involved and making a reasonable effort to locate the owner or persons affected and subsequently complying with and notifying the appropriate law enforcement official as required under this section.

(a) If a Any person who violates this subsection and the with respect to an accident results resulting in:

1. Property damage only, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Injury to a person other than serious bodily injury, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Serious bodily injury, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The death of another person or an unborn child, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If a person operating a vessel involved in an accident

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

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that results in the death of another person or an unborn child provides a false statement to an investigating law enforcement officer, the person ~~personal injury~~ commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 ~~s. 775.082, s. 775.083, or s. 775.084. Any person who violates this subsection with respect to an accident resulting in property damage only commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 4. Subsection (2) of section 327.33, Florida Statutes, is amended to read:

327.33 Reckless or careless operation of vessel.—

(2) A person who operates any vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person ~~outside the vessel~~ or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. The failure to operate a vessel in a manner described in this subsection constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel, absent negligence, does not constitute damage or endangerment to property. If a person who violates this subsection and the violation:

(a) Does not result in an accident, the person commits a noncriminal violation as defined in s. 775.08.

(b) Results in an accident that does not cause serious bodily injury, the person commits a felony of the third degree, punishable as provided in s. 775.083 or s. 775.084.

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(c) Results in an accident that causes serious bodily injury, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Results in an accident that causes the death of another person or an unborn child, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 327.35105, Florida Statutes, is created to read:

327.35105 Additional penalty for boating under the influence or reckless or careless operation of vessel.—The driver license of a person who is convicted of a violation of s. 327.33 or s. 327.35 must be suspended until all orders of the court have been satisfied.

Section 6. Paragraph (a) of subsection (1) of section 327.353, Florida Statutes, is amended to read:

327.353 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

~~(1) (a) If a law enforcement officer has probable cause to believe that a vessel operated by a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, A law enforcement officer shall require the person operating or in actual physical control of a the vessel to submit to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may~~

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use reasonable force if necessary to require the person to submit to the administration of the blood test. The blood test ~~must shall~~ be performed in a reasonable manner. Notwithstanding s. 327.352, the testing required by this paragraph need not be incidental to a lawful arrest of the person.

Section 7. Subsection (1) of section 327.395, Florida Statutes, is amended, and subsection (2) of that section is reenacted, to read:

327.395 Boating safety education.—

(1) A person ~~born on or after January 1, 1988,~~ may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel the documents required by subsection (2).

(2) While operating a vessel, a person identified under subsection (1) must have in his or her possession aboard the vessel photographic identification and a Florida boating safety identification card issued by the commission; a state-issued identification card or driver license indicating possession of the Florida boating safety identification card; or photographic identification and a temporary certificate issued or approved by the commission, an International Certificate of Competency, a boating safety card or certificate from another state or United States territory, or a Canadian Pleasure Craft Operator Card, which shows that he or she has:

(a) Completed a commission-approved boating safety education course that meets the minimum requirements established by the National Association of State Boating Law Administrators;

(b) Passed a temporary certificate examination developed or approved by the commission;

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(c) A valid International Certificate of Competency; or

(d) Completed a boating safety education course or equivalency examination in another state, a United States territory, or Canada which meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators.

Section 8. Paragraph (c) of subsection (1) of section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

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

(c) "Livery" means a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration when such person does not also provide or does not require the lessee or renter to provide as a condition of the rental or lease agreement a person licensed by the United States Coast Guard to serve as master of the vessel or to with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A public or private school or postsecondary institution located within this state is not a livery. A vessel rented or leased by a livery is a livery vessel as defined in s. 327.02.

Section 9. Section 782.072, Florida Statutes, is amended to read:

782.072 Vessel homicide.—

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

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175 (a) "Vessel homicide" means ~~is~~ the killing of a human
176 being, including the death of an unborn child caused by injury
177 to the mother, by the operation of a vessel as defined in s.
178 327.02 by another in a reckless manner likely to cause the death
179 of, or great bodily harm to, another.

180 (b) "Unborn child" has the same meaning as in s.
181 775.021(5)(e).

182 (2) Vessel homicide is:

183 (a)(1) A felony of the second degree, punishable as
184 provided in s. 775.082, s. 775.083, or s. 775.084.

185 (b)(2) A felony of the first degree, punishable as provided
186 in s. 775.082, s. 775.083, or s. 775.084, if:

187 1.(a) At the time of the accident, the person knew, or
188 should have known, that the accident occurred; and

189 2.(b) The person failed to give information and render aid
190 as required by s. 327.30(1).

191

192 This subsection does not require that the person knew that the
193 accident resulted in injury or death.

194 Section 10. This act shall take effect July 1, 2025.

3/4/2025

Meeting Date

Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

628

Bill Number or Topic

514168

Amendment Barcode (if applicable)

Name **Andrew Rutledge** Phone **8506816788**

Address **119 S Monroe St** Email **Andrew@rutledge-ecenia.com**

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:

FACDL

☐ 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)

03/04/2025

Meeting Date

Criminal Justice

Committee

Name

Andy Fernandez

Address

123 S Adams Street

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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DUPLICATE

HB289/SB628

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

3053359503

Email

andres.fernandez@hklaw.com

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

March 4, 2025

Meeting Date

SB 628

Bill Number or Topic

Criminal Justice

Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name

Reggy Matthews

Phone

850 566-6778

Address

1520 Big Sky Way

Street

Email

mathewsp@AOL.com

Tallahassee FL 32317

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:

American Watersport Association

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD3/4/25

Meeting Date

CS

Committee

Deliver both copies of this form to
Senate professional staff conducting the meetingSB628

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Abby Hilley, Lt

Phone

321-229-7054

Address

Street

Email

abby.hilley@ocsofl.com

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:Orange County
Sheriff's office☐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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 4, 2025

Meeting Date
Criminal Justice

Committee

The Florida Senate
APPEARANCE RECORD

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

628

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**
Street

Email **Barney@BarneyBishop.com**

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:

Fla. Smart Justice Alliance

☐ 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.

CourtSmart Tag Report

Room: SB 37

Case No.:

Caption: Senate Criminal Justice Committee

Type:

Judge:

Started: 3/4/2025 2:00:44 PM

Ends: 3/4/2025 3:30:09 PM **Length:** 01:29:26

2:00:45 PM Chair Martin calls meeting to order
2:00:52 PM Roll call
2:01:08 PM Chair Martin makes opening remarks
2:01:22 PM Tab 2: SB 168 by Senator Bradley
2:01:25 PM Chair Martin recognizes Senator Bradley
2:01:38 PM Senator Bradley explains the bill
2:05:19 PM Amendment 857776
2:05:26 PM Senator Bradley explains the amendment
2:05:41 PM Questions:
2:05:45 PM Public testimony
2:05:49 PM Debate
2:05:52 PM Senator Bradley closes on amendment
2:05:52 PM Chair Martin reports on amendment
2:05:53 PM Questions on bill:
2:05:57 PM Public testimony
2:06:14 PM Chair Martin recognizes Carali Mclean
2:06:23 PM Carali Mclean
2:07:58 PM Chair Martin recognizes Cheryl Virta
2:08:03 PM Cheryl Virta
2:11:02 PM Chair Martin recognizes Jack Wood
2:11:14 PM Jack Wood
2:13:06 PM Chair Martin recognizes Sheriff Bill Prummell
2:13:11 PM Sheriff Bill Prummell
2:16:39 PM Senator Pizzo
2:17:03 PM Sheriff Bill Prummell
2:17:12 PM Senator Pizzo
2:17:23 PM Sheriff Bill Prummell
2:17:51 PM Chair Martin recognizes Cynthia Murphy
2:18:07 PM Cynthia Murphy
2:22:46 PM Chair Martin recognizes Barney Bishop
2:23:00 PM Barney Bishop
2:23:52 PM Debate
2:23:53 PM Senator Pizzo
2:25:31 PM Senator Bradley closes on bill
2:27:26 PM Roll call
2:27:40 PM Chair Martin reports on bill
2:27:45 PM Tab 1: SB 86 by Senator Burgess
2:27:51 PM Chair Martin recognizes Senator Burgess
2:27:52 PM Senator Burgess explains bill
2:28:20 PM Amendment 759878
2:28:22 PM Senator Burgess explains amendment
2:28:32 PM Questions:
2:28:34 PM Public testimony
2:28:36 PM Debate
2:28:37 PM Senator Burgess waives close on amendment
2:28:38 PM Chair Martin reports on amendment
2:28:41 PM Questions on bill:
2:28:44 PM Public testimony
2:29:04 PM Debate
2:29:05 PM Senator Burgess closes on bill
2:29:13 PM Roll call
2:29:29 PM Chair Martin reports on bill

2:29:36 PM	Tab 5: SB 472 by Senator Truenow
2:29:47 PM	Chair Martin recognizes Senator Truenow
2:29:50 PM	Senator Truenow explains bill
2:30:06 PM	Questions:
2:30:10 PM	Public testimony
2:30:56 PM	Debate
2:30:59 PM	Senator Truenow closes on bill
2:31:12 PM	Roll call
2:31:28 PM	Chair Martin reports on bill
2:31:36 PM	Tab 3: SB 276 by Senator Wright
2:31:43 PM	Chair Martin recognizes Senator Wright
2:31:45 PM	Senator Wright explains bill
2:33:05 PM	Questions:
2:33:09 PM	Senator Pizzo
2:34:19 PM	Senator Wright
2:34:44 PM	Senator Pizzo
2:34:53 PM	Senator Wright
2:35:10 PM	Vice Chair Smith
2:35:31 PM	Senator Wright
2:36:01 PM	Vice Chair Smith
2:37:25 PM	Senator Wright
2:37:59 PM	Vice Chair Smith
2:38:51 PM	Senator Wright
2:39:20 PM	Vice Chair Smith
2:40:18 PM	Senator Pizzo
2:42:39 PM	Senator Wright
2:42:44 PM	Public testimony
2:43:00 PM	Debate
2:43:03 PM	Senator Pizzo
2:44:31 PM	Vice Chair Smith
2:45:29 PM	Senator Wright closes on bill
2:45:59 PM	Roll call
2:46:17 PM	Chair Martin reports on bill
2:46:32 PM	Tab 4: SB 402 by Senator Wright
2:46:37 PM	Chair Martin recognizes Senator Wright
2:46:40 PM	Senator Wright explains bill
2:47:20 PM	Questions:
2:47:26 PM	Senator Pizzo
2:47:46 PM	Public testimony
2:47:50 PM	Debate
2:47:51 PM	Senator Wright waives close on bill
2:47:54 PM	Roll call
2:48:06 PM	Chair Martin reports on bill
2:48:16 PM	Tab 6: SB 490 by Senator Collins
2:48:19 PM	Chair Martin recognizes Senator Collins
2:48:32 PM	Amendment 442658
2:48:38 PM	Senator Collins explains amendment
2:49:43 PM	Amendment 972514
2:49:52 PM	Senator Collins explains amendment
2:49:59 PM	Questions:
2:50:02 PM	Public testimony
2:50:33 PM	Debate
2:50:50 PM	Senator Collins closes on amendment
2:50:57 PM	Chair Martin reports on amendment
2:51:08 PM	Amendment 442658
2:51:16 PM	Questions:
2:51:18 PM	Public testimony
2:51:20 PM	Debate
2:51:22 PM	Senator Collins waives close on amendment
2:51:29 PM	Chair Martin reports on amendment
2:51:30 PM	Questions on bill:
2:51:34 PM	Vice Chair Smith

2:51:59 PM	Senator Collins
2:53:19 PM	Vice Chair Smith
2:53:46 PM	Senator Collins
2:54:21 PM	Vice Chair Smith
2:55:08 PM	Senator Collins
2:55:50 PM	Vice Chair Smith
2:56:18 PM	Senator Collins
2:57:20 PM	Senator Pizzo
2:57:36 PM	Senator Collins
2:57:56 PM	Public testimony
2:58:02 PM	Chair Martin recognizes Luis Valdes
2:58:08 PM	Luis Valdes
2:59:05 PM	Senator Pizzo
2:59:16 PM	Luis Valdes
2:59:20 PM	Senator Pizzo
3:00:06 PM	Luis Valdes
3:00:49 PM	Senator Pizzo
3:01:25 PM	Luis Valdes
3:01:33 PM	Senator Pizzo
3:01:37 PM	Luis Valdes
3:02:11 PM	Senator Pizzo
3:02:20 PM	Luis Valdes
3:02:43 PM	Senator Pizzo
3:02:59 PM	Luis Valdes
3:04:47 PM	Chair Martin recognizes William Smith
3:04:52 PM	William Smith
3:06:11 PM	Senator Pizzo
3:06:42 PM	William Smith
3:06:45 PM	Senator Pizzo
3:06:59 PM	William Smith
3:07:05 PM	Senator Pizzo
3:07:31 PM	William Smith
3:08:08 PM	Debate
3:08:11 PM	Vice Chair Smith
3:10:15 PM	Senator Bernard
3:11:03 PM	Senator Pizzo
3:13:48 PM	Senator Collins closes on bill
3:15:17 PM	Roll call
3:15:34 PM	Chair Martin reports on bill
3:15:39 PM	Tab 7: SB 628 by Chair Martin
3:15:44 PM	Vice Chair Smith recognizes Chair Martin
3:15:53 PM	Chair Martin explains the bill
3:17:09 PM	Questions:
3:17:14 PM	Amendment 514168
3:17:29 PM	Chair Martin explains amendment
3:18:06 PM	Questions:
3:18:11 PM	Senator Pizzo
3:18:17 PM	Chair Martin
3:18:48 PM	Senator Pizzo
3:19:16 PM	Chair Martin
3:19:22 PM	Senator Pizzo
3:19:36 PM	Chair Martin
3:20:08 PM	Public testimony
3:20:47 PM	Debate
3:20:53 PM	Chair Martin waives close on amendment
3:20:57 PM	Vice Chair reports on amendment
3:21:03 PM	Public testimony
3:21:12 PM	Senator Pizzo
3:21:38 PM	Chair Martin
3:21:44 PM	Senator Pizzo
3:22:29 PM	Chair Martin
3:24:34 PM	Vice Chair Smith recognizes Andy Fernandez

3:24:41 PM	Andy Fernandez
3:27:37 PM	Senator Yarborough vote at a time certain
3:28:32 PM	Andy Fernandez
3:28:53 PM	Debate
3:29:09 PM	Chair Martin waives close on bill
3:29:20 PM	Roll call
3:29:33 PM	Vice Chair Smith reports on bill
3:29:36 PM	Senator Bernard
3:29:59 PM	Senator Bernard moves to adjourn meeting
3:30:02 PM	Meeting adjourned
3:30:09 PM	
3:30:09 PM	
3:30:09 PM	