

Tab 1	SB 776 by Ingoglia; Identical to H 00653 Aggravating Factors for Capital Felonies					
Tab 2	SB 984 by Gruters; Similar to H 00693 Aggravating Factors					
Tab 3	SB 1084 by Martin; Similar to H 01451 Sexual Cyberharassment					
179540	D	S	RCS	CJ, Martin	Delete everything after	03/18 06:30 PM
Tab 4	SB 1268 by Simon; Identical to H 01053 Department of Law Enforcement					
Tab 5	SB 1360 by Leek; Similar to CS/H 00057 Controlled Substances					
858828	A	S	RCS	CJ, Leek	Delete L.103 - 1040:	03/18 06:30 PM
Tab 6	SB 1422 by Truenow; Similar to CS/H 01121 Unmanned Aircraft or Unmanned Aircraft Systems					
742930	D	S	RCS	CJ, Truenow	Delete everything after	03/18 06:30 PM
490098	AA	S	RCS	CJ, Truenow	btw L.117 - 118:	03/18 06:30 PM
Tab 7	SB 1640 by Grall; Identical to H 01479 Public Records/Lethality Assessment Forms					
Tab 8	SB 1654 by Martin; Identical to H 01351 Registration of Sexual Predators and Sexual Offenders					
Tab 9	SB 1692 by McClain; Similar to H 01539 Material that is Harmful to Minors					
945504	D	S	RCS	CJ, McClain	Delete everything after	03/18 06:31 PM
Tab 10	SB 1732 by Arrington; Similar to H 01395 Animal Cruelty					
864118	D	S	RCS	CJ, Arrington	Delete everything after	03/18 06:31 PM
Tab 11	SB 1774 by Martin; Identical to H 01611 Rebuttable Presumption for Certain Deaths					
Tab 12	SB 1838 by Martin; Similar to H 01049 Tampering With, Harassing, or Retaliating Against Court Officials					
595212	A	S	RCS	CJ, Martin	Delete L.23 - 159:	03/18 06:31 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, March 18, 2025

TIME: 3:30—5:30 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 776 Ingoglia (Identical H 653)	Aggravating Factors for Capital Felonies; Adding as an aggravating factor that the capital felony was committed against the head of a state, or in an attempt to commit such crime a capital felony was committed against another individual, etc. CJ 03/18/2025 Favorable ACJ FP	Favorable Yeas 7 Nays 2
2	SB 984 Gruters (Similar H 693)	Aggravating Factors; Providing an additional aggravating factor for capital felonies, etc. CJ 03/18/2025 Favorable ACJ FP	Favorable Yeas 7 Nays 2
3	SB 1084 Martin (Similar H 1451)	Sexual Cyberharassment; Defining the terms “digitally forged intimate image” and “intimate image”; revising the definition of the term “sexually cyberharass”; providing criminal penalties for persons who recklessly, rather than willfully and maliciously, sexually cyberharass other persons; providing criminal penalties for persons who commit the offense of sexual cyberharassment with a specified intent or purpose, etc. CJ 03/18/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, March 18, 2025, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1268 Simon (Identical H 1053)	Department of Law Enforcement; Repealing provisions relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; revising the membership of the Domestic Security Oversight Council; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department, etc. CJ 03/18/2025 Favorable ACJ FP	Favorable Yeas 9 Nays 0
5	SB 1360 Leek (Similar CS/H 57)	Controlled Substances; Excepting from the Schedule I controlled substance xylazine drug products approved by the United States Food and Drug Administration labeled for and prescribed or dispensed by veterinarians; adding xylazine as a Schedule III controlled substance; providing criminal penalties and requiring a mandatory minimum term of imprisonment if a person sells, manufactures, or delivers or possesses with intent to sell, manufacture, or deliver xylazine, etc. CJ 03/18/2025 Fav/CS ACJ FP	Fav/CS Yeas 8 Nays 1
6	SB 1422 Truenow (Identical H 1121)	Unmanned Aircraft or Unmanned Aircraft Systems; Increasing the criminal penalty for certain prohibited actions relating to drones; prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems; providing criminal penalties, etc. CJ 03/18/2025 Fav/CS TR RC	Fav/CS Yeas 9 Nays 0
7	SB 1640 Grall (Identical H 1479)	Public Records/Lethality Assessment Forms; Providing an exemption from public records requirements for a lethality assessment form that contains certain information and responses; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CJ 03/18/2025 Favorable GO RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, March 18, 2025, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1654 Martin (Identical H 1351)	Registration of Sexual Predators and Sexual Offenders; Revising reporting requirements for sexual predators; revising reporting requirements for sexual offenders; revising verification requirements, etc. CJ 03/18/2025 Favorable ACJ FP	Favorable Yeas 9 Nays 0
9	SB 1692 McClain (Similar H 1539)	Material that is Harmful to Minors; Revising the definition of the term "harmful to minors"; revising the list of materials used in a classroom which are subject to the objection process by parents or residents, etc. CJ 03/18/2025 Fav/CS ED RC	Fav/CS Yeas 6 Nays 3
10	SB 1732 Arrington (Similar H 1395)	Animal Cruelty; Providing criminal penalties for an adult who causes or entices a minor to commit or in the presence of a minor commits a specified violation of law relating to animal cruelty; increasing the level on the offense severity ranking chart for fighting or baiting animals, etc. CJ 03/18/2025 Fav/CS AG RC	Fav/CS Yeas 8 Nays 0
11	SB 1774 Martin (Identical H 1611)	Rebuttable Presumption for Certain Deaths; Creating a rebuttable presumption that the death of an alleged victim was the result of a controlled substance under specified circumstances, etc. CJ 03/18/2025 Favorable ACJ FP	Favorable Yeas 8 Nays 1
12	SB 1838 Martin (Similar H 1049)	Tampering With, Harassing, or Retaliating Against Court Officials; Defining the offenses of tampering with or harassing court officials; defining the term "court official"; prohibiting specified conduct with retaliatory intent toward court officials; providing criminal penalties, etc. CJ 03/18/2025 Fav/CS ACJ FP	Fav/CS Yeas 9 Nays 0
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, March 18, 2025, 3:30—5:30 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Florida Commission on Offender Review			
13	Whitworth, Susan Michelle ()	06/30/2030	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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: SB 776

INTRODUCER: Senator Ingoglia

SUBJECT: Aggravating Factors for Capital Felonies

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 776 amends s. 921.141, F.S., to create an additional aggravating factor for the jury and the sentencing court to consider during a capital trial and sentencing.

The aggravating factor created by the bill provides that if the capital felony was committed against the head of a state, including but not limited to, the President or the Vice President of the United States or the Governor of this or another state, or if in an attempt to commit such crime a capital felony was committed against another individual, the aggravating factor may be considered during a capital trial and sentencing .

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

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Current Sentencing Proceedings in Capital Cases

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

¹ Section 775.082(1)(a), F.S.

² Section 921.141(1), F.S.

³ *Id.*

Aggravating Factors and Mitigating Circumstances

During the sentencing proceeding, the jury (or the judge if the jury is waived by the defendant) considers evidence that is relevant to the nature of the crime and the character of the defendant. The evidence includes matters relating to any of the aggravating factors⁴ or mitigating circumstances.⁵

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

The aggravating factors are limited to the following:

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

⁴ Section 921.141(6), F.S.

⁵ Section 921.141(7), F.S.

⁶ Section 921.141(6), F.S.

- The capital felony was committed by a criminal gang member.⁷
- The capital felony was committed by a person designated as a sexual predator⁸ or a person previously designated as a sexual predator who had the sexual predator designation removed.
- The capital felony was committed by a person subject to a domestic violence injunction⁹, or an injunction for protection against repeat violence, dating violence and of sexual violence,¹⁰ or a foreign protection order,¹¹ and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

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

Statutory mitigating circumstances are the following:

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

⁷ "Criminal gang member" means a person who meets two or more of the following criteria: Admits to criminal gang membership; Is identified as a criminal gang member by a parent or guardian; Is identified as a criminal gang member by a documented reliable informant; Adopts the style of dress of a criminal gang; Adopts the use of a hand sign identified as used by a criminal gang; Has a tattoo identified as used by a criminal gang; Associates with one or more known criminal gang members; Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information; Is identified as a criminal gang member by physical evidence; Has been observed in the company of one or more known criminal gang members four or more times; (Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang. Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of the statute. s. 874.03, F.S.

⁸ Section 775.21(4)(a), F.S.

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

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

¹¹ Section 741.315, F.S.

¹² Section 921.141(7)(a)-(h), F.S.

Jury Findings and Recommended Sentence

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

- Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.
- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
 - Whether sufficient aggravating factors exist.
 - Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
 - Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.¹⁴

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

Imposition of Sentence

If the jury has recommended a sentence of:

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

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

¹³ Section 921.141(2)(b), F.S.

¹⁴ Section 921.141(2) and (b), F.S.

¹⁵ Section 921.141(2)(c), F.S.

¹⁶ Section 921.141(2)(c), F.S.

¹⁷ Section 921.141(3), F.S.

¹⁸ Section 921.141(3), F.S.

¹⁹ Section 921.141(3), F.S.

III. Effect of Proposed Changes:

The bill amends s. 921.141, F.S., to create an additional aggravating factor for the jury and the sentencing court to consider during a capital trial and sentencing.

The aggravating factor created in s. 921.141(6)(q), F.S., provides that if the capital felony was committed against the head of a state, including but not limited to, the President or the Vice President of the United States or the Governor of this or another state, or if in an attempt to commit such crime a capital felony was committed against another individual, the aggravating factor may be considered during a capital trial and sentencing.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following section of the Florida Statutes: 921.141(6)(q), F.S.

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 Ingoglia

11-00763-25

2025776__

A bill to be entitled

An act relating to aggravating factors for capital felonies; amending s. 921.141, F.S.; adding as an aggravating factor that the capital felony was committed against the head of a state, or in an attempt to commit such crime a capital felony was committed against another individual; providing an effective date.

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

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

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

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

(q) The capital felony was committed against the head of a state, including, but not limited to, the President or the Vice President of the United States or the Governor of this or another state, or in an attempt to commit such crime a capital felony was committed against another individual.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Transportation,
Tourism, and Economic Development
Fiscal Policy
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR BLAISE INGOGLIA

11th District

February 28, 2025

The Honorable Jonathan Martin, Chair
Criminal Justice Committee
315 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 776 Aggravating Factors for Capital Felonies

Chair Martin,

Senate Bill 776 has been referred to the Criminal Justice Committee as its first committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping loop at the end.

Blaise Ingoglia
State Senator, District 11

CC'd: Amanda Stokes, Tori Denson

REPLY TO:

- ☐ 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

03/18/25

Meeting Date

Senate Ct

Committee

SB 776

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Hanna

Phone 8505446939

Address 2055 Thomasville Rd.
Street

Email graceellenhanna@gmail.com

TLH
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:

☐ 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 18, 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

776

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)

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 984

INTRODUCER: Senator Gruters

SUBJECT: Aggravating Factors

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 984 amends s. 921.141, F.S. to create an additional aggravating factor for consideration during capital trials and sentencing.

The new aggravating factor provides that if the victim of the capital felony was gathered with one or more people for a school activity, religious event, or a public government meeting, the aggravating factor may be considered during a capital trial and sentencing.

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

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Current Sentencing Proceedings in Capital Cases

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

¹ Section 775.082(1)(a), F.S.

² Section 921.141(1), F.S.

³ *Id.*

Aggravating Factors and Mitigating Circumstances

During the sentencing proceeding, the jury (or the judge if the jury is waived by the defendant) considers evidence that is relevant to the nature of the crime and the character of the defendant. The evidence includes matters relating to any of the aggravating factors⁴ or mitigating circumstances.⁵

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

The aggravating factors are limited to the following:

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

⁴ Section 921.141(6), F.S.

⁵ Section 921.141(7), F.S.

⁶ Section 921.141(6), F.S.

⁷ "Criminal gang member" means a person who meets two or more of the following criteria: Admits to criminal gang membership; Is identified as a criminal gang member by a parent or guardian; Is identified as a criminal gang member by a documented reliable informant; Adopts the style of dress of a criminal gang; Adopts the use of a hand sign identified as used by a criminal gang; Has a tattoo identified as used by a criminal gang; Associates with one or more known criminal gang

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

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

Statutory mitigating circumstances are the following:

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

Jury Findings and Recommended Sentence

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

- Does not unanimously find at least one aggravating factor, the defendant is ineligible for a sentence of death.

members; Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information; Is identified as a criminal gang member by physical evidence; Has been observed in the company of one or more known criminal gang members four or more times; (Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.) Has authored any communication indicating responsibility for the commission of any crime by the criminal gang. Where a single act or factual transaction satisfies the requirements of more than one of the criteria in this subsection, each of those criteria has thereby been satisfied for the purposes of the statute. s. 874.03, F.S.

⁸ Section 775.21(4)(a), F.S.

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

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

¹¹ Section 741.315, F.S.

¹² Section 921.141(7)(a)-(h), F.S.

¹³ Section 921.141(2)(b), F.S.

- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must make a recommendation to the court as to whether the defendant shall be sentenced to life imprisonment without the possibility of parole or to death. The recommendation must be based on a weighing of all of the following:
 - Whether sufficient aggravating factors exist.
 - Whether aggravating factors exist which outweigh the mitigating circumstances found to exist.
 - Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or to death.¹⁴

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

Imposition of Sentence

If the jury has recommended a sentence of:

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

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

III. Effect of Proposed Changes:

The bill amends s. 921.141, F.S. to create an additional aggravating factor for consideration during capital trials and sentencing.

The new aggravating factor created in s. 924.141(6)(q), F.S., states that if the victim of the capital felony was gathered with one or more people for a school activity, religious event, or a public government meeting, the aggravating factor may be considered during a capital trial and sentencing.

¹⁴ Section 921.141(2) and (b), F.S.

¹⁵ Section 921.141(2)(c), F.S.

¹⁶ Section 921.141(2)(c), F.S.

¹⁷ Section 921.141(3), F.S.

¹⁸ Section 921.141(3), F.S.

¹⁹ Section 921.141(3), F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 921.141(6)(q), F.S.

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 Gruters

22-01386-25

2025984__

A bill to be entitled

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

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

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

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

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

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

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 5, 2025

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

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

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

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate

APPEARANCE RECORD

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

03/18/25

Meeting Date

Senate CT

Committee

SB 984

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Hanna

Phone 4505446939

Address 2055 Thomasville Rd.
Street

Email graceellenhanna@gmail.com

TLH
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:

☐ 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 18, 2025

Meeting Date

Criminal Justice

Committee

Name

Barney Bishop III

Address

1454 Vieux Carre Drive

Street

Tallahassee

FL

32308

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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

984

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)

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 1084

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Sexual Cyberharassment

DATE: March 20, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

Sexual Cyberharass

The bill includes in definition of "Sexually cyberharass," that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it.*

"Sexually explicit image," is revised to mean *a digitally forge intimate image* or an image depicting nudity or depicting a person engaging in sexual conduct.

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

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of

profit or pecuniary gain, commits a third degree felony,¹ and a second degree felony for a second or subsequent offense.

The bill provides punitive damages as a remedy for violation of this section.

The bill provides the definitions of the terms “Digitally forged intimate image” and “Nudity.”

Statute of Limitations

The bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.
- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

II. Present Situation:

Nonconsensual Pornography

The term “revenge porn” is now common in popular usage. It commonly involves one person posting on the Internet sexual images of a former partner following a breakup. In more academic parlance, it is defined as “describing a subset of nonconsensual pornography published for vengeful purposes.”²

Couples may take pictures of each other in sexual situations, but that does not typically imply consent to traffic in such images outside of the relationship. “Nonconsensual pornography” may thus be defined generally as “distribution of sexually graphic images of individuals without their consent.”

“The phrase ‘nonconsensual pornography’ encompasses ‘images originally obtained without consent (e.g., hidden recordings or recordings of sexual assaults) as well as images originally obtained with consent, usually within the context of a private or confidential relationship.’³

¹ A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

² *State v. VanBuren*, 2018 VT 95, 2019 WL 2406957 (VT 2019).

³ *Id.*

Nonconsensual distribution of intimate images is when someone takes or shares an intimate image. Revenge porn isn't limited to romantic partners. A co-worker, family member, or stranger could also gain access to your private images and share them publicly for a variety of reasons. Forty-six states and the District of Columbia have laws against revenge porn.⁴

In *State v. VanBuren*, 2018 VT 95, The Vermont court strongly emphasized the extreme harm that revenge porn may cause:

The harm to the victims of nonconsensual pornography can be substantial. Images and videos can be directly disseminated to the victim's friends, family, and employers; posted and “tagged” (as in this case) so they are particularly visible to members of a victim's own community; and posted with identifying information such that they catapult to the top of the results of an online search of an individual's name. In the constellation of privacy interests, it is difficult to imagine something more private than images depicting an individual engaging in sexual conduct, or of a person's genitals, anus, or pubic area, that the person has not consented to sharing publicly. The personal consequences of such profound personal violation and humiliation generally include, at a minimum, extreme emotional distress.⁵

Deep Fakes

Deepfakes represent a subset of the general category of “synthetic media” or “synthetic content.” Many popular articles on the subject define synthetic media as any media which has been created or modified through the use of artificial intelligence/machine learning (AI/ML), especially if done in an automated fashion. Deepfakes continue to pose a threat for individuals and industries, including potential largescale impacts to nations, governments, businesses, and society, such as social media disinformation campaigns operated at scale by well-funded nation state actors. Experts from different disciplines whose research interests intersect at deepfakes, tend to agree that the technology is rapidly advancing, and the high cost of producing top-quality deepfake content is declining. As a result, we expect an emerging threat landscape wherein the attacks will become easier and more successful, and the efforts to counter and mitigate these threats will need orchestration and collaboration by governments, industry, and society.⁶

Non-consensual pornography emerged as the catalyst for proliferating deepfake content and still represents a majority of AI-enabled synthetic content in the wild. In October 2020, researchers reported over 100,000 computer-generated fake nude images of women created without their

⁴ Webmd, *What is Revenge Pornography?*, Medically Reviewed by Jennifer Robinson, MD on November 4, 2024, available at <https://www.webmd.com/sex-relationships/revenge-porn> (last visited March 10, 2025).

⁵ *State v. Vanburen*, 2018 VT 95 (VT 2019) (The Vermont Supreme Court held that the law prohibiting nonconsensual distribution of an intimate image was narrowly tailored enough to effectuate Vermont's compelling governmental interest in protecting individual privacy it would likely be upheld. The court indicated that its reasoning was based on the “U.S. Supreme Court's recognition of the relatively low constitutional significance of speech relating to purely private matters, evidence of potentially severe harm to individuals arising from nonconsensual publication of intimate depictions of them, and a litany of analogous restrictions on speech that are generally viewed as uncontroversial and fully consistent with the First Amendment.”).

⁶ Homeland Security, *Increasing Threat DeepFake Identities*, available at https://www.dhs.gov/sites/default/files/publications/increasing_threats_of_deepfake_identities_0.pdf (last visited March 10, 2025).

consent or knowledge, according to Sensity AI, a firm that specializes in deepfake content and detection. Some of these nude images apparently depicted under-aged individuals as well. The creators used an ecosystem of bots on the messaging platform Telegram to facilitate sharing, trading, and selling services associated with deepfake content.^{7,8}

Sexual Cyberharassment

Section 784.049, F.S., provides that “sexual cyberharass” means to publish to an internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person’s consent, contrary to the depicted person’s reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image. A person who willfully and maliciously sexually cyberharasses another person commits a first degree misdemeanor.⁹

A person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment commits a third degree felony.

A “Sexually explicit image” is any image depicting nudity,¹⁰ or depicting a person engaging in sexual conduct.^{11,12}

III. Effect of Proposed Changes:

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

Sexual Cyberharass

⁷ Siladitya Ray, Forbes, 20 Oct. 2020 | *Bot Generated Fake Nudes of Over 100,000 Women Without Their Knowledge, Says Report*, available at <https://www.forbes.com/sites/siladityaray/2020/10/20/bot-generated-fake-nudes-of-over-100000-women-without-their-knowledge-says-report/> (last visited March 13, 2025).

⁸ Karen Hao |MIT Technology Review| *Deepfake Porn is Ruining Women’s Lives. Now the Law My Finally Ban It*, available at <https://www.technologyreview.com/2021/02/12/1018222/deepfake-revenge-porn-coming-ban/> (last visited March 10, 2025).

⁹ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and \$1,000 fine, as provided in ss. 775.082 and 775.083.

¹⁰ “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not under any circumstance constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding. Section 847.001(11), F.S.

¹¹ “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”, Section 847.001(19), F.S.

¹² Section 784.049(2)(c), F.S.

The bill includes in definition of “Sexually cyberharass,” that *absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it.*

“Sexually explicit image,” is revised to mean *a digitally forge intimate image* or an image depicting nudity or depicting a person engaging in sexual conduct.

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

A person who commits a second or subsequent offense with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a third degree felony,¹³ and a second degree felony for a second or subsequent offense.

The bill provides punitive damages as a remedy for violation of this section.

The bill provides the definitions of the following terms:

- “Digitally forged intimate image” means any intimate image that has been created, altered, adopted, or modified by electronic, mechanical, or other computer-generated means; depicts nudity of an identifiable individual; and appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.
- “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully or opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

Statute of Limitations

The bill amends s. 775.15, F.S., to increase the statutory limitations for prosecution of a violation of sexual cyberharassment the following ways:

- A prosecution for a misdemeanor violation must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.
- A prosecution for a felony violation must be commenced within 7 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by exercise of due diligence.

¹³ A second degree felony is punishable by a term of imprisonment of 15 years and a \$10,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate fiscal impact on the jail and prison bed population by providing enhanced penalties that may result in longer terms of incarceration for persons convicted of such offenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 784.049 section of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice Committee on March 18, 2025:

The committee substitute:

- Provides a definition for the term “Nudity” that is consistent with other sections of the Florida Statutes.
- Revises the definition of “Digitally forged intimate image” to be more consistent with language about altered or generated images in other statutes.
- Revises language to provide that “absent affirmative consent to disseminate, the depicted person maintains his or her reasonable expectation of privacy.”
- Revises language to provide that sexually explicit images include a digitally forged intimate image.
- Adds legislative intent language that a person who creates a digitally forged image of themselves, or the image is created with his or her consent, remains an expectation of privacy.
- Increases the time limitation for the prosecution of misdemeanor and felony violations of sexual cyberharassment.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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that section, and paragraph (a) of subsection (1), subsections (2) and (3), and present subsection (5) of that section are amended, to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

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

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

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

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

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

(c) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a



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fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not, under any circumstance, constitute nudity, regardless of whether the nipple is covered during or incidental to feeding.

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

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

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

(3)(a) Except as provided in paragraph (b), a person who



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willfully and maliciously sexually cyberharasses another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Upon a second or subsequent ~~a person who has one prior conviction for a violation of paragraph (a), a person sexual cyberharassment and who commits a second or subsequent sexual cyberharassment~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

(a) Injunctive relief.

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

(c) Punitive damages.

(d)-(e) Reasonable attorney fees and costs.

Section 2. Subsection (22) is added to section 775.15,



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Florida Statutes, to read:

775.15 Time limitations; general time limitations;
exceptions.—

(22) (a) A prosecution for a misdemeanor violation of s. 784.049 must be commenced within 5 years after the commission of the offense or within 3 years after the date on which the victim obtains knowledge of the offense or should have obtained such knowledge by the exercise of due diligence.

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

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to sexual cyberharassment; amending s. 784.049, F.S.; providing and revising legislative findings; defining terms and revising definitions of terms; providing criminal penalties for persons who sexually cyberharass other persons with specified intent or purpose; providing criminal penalties for persons who commit the offense of sexual cyberharassment with a specified intent or purpose; providing enhanced criminal penalties for second or



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127 subsequent violations; authorizing an aggrieved person
128 to initiate a civil action to recover punitive
129 damages; making technical changes; amending s. 775.15,
130 F.S.; providing time limitations for commencing
131 prosecution for violations of sexual cyberharassment;
132 providing an effective date.

By Senator Martin

33-01726-25

20251084

A bill to be entitled

An act relating to sexual cyberharassment; amending s. 784.049, F.S.; revising legislative findings; defining the terms "digitally forged intimate image" and "intimate image"; revising the definition of the term "sexually cyberharass"; providing criminal penalties for persons who recklessly, rather than willfully and maliciously, sexually cyberharass other persons; providing criminal penalties for persons who commit the offense of sexual cyberharassment with a specified intent or purpose; providing enhanced criminal penalties for second or subsequent violations; providing time limitations for which the prosecution of specified offenses must be commenced; authorizing an aggrieved person to initiate a civil action to recover punitive damages; providing an effective date.

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

Section 1. Present subsections (4), (5), (6), and (7) of section 784.049, Florida Statutes, are redesignated as subsections (5), (7), (8), and (9), respectively, new subsections (4) and (6) are added to that section, and paragraphs (a), (b), and (d) of subsection (1), subsections (2) and (3), and present subsection (5) of that section are amended, to read:

784.049 Sexual cyberharassment.—

(1) The Legislature finds that:

(a) A person depicted in a sexually explicit image taken

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

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with the person's consent may retain a reasonable expectation that the image will remain private despite sharing the image with another person, ~~such as an intimate partner.~~

(b) It is becoming a common practice for persons to publish a sexually explicit image of another to Internet websites or to disseminate such an image through electronic means without the depicted person's consent, contrary to the depicted person's reasonable expectation of privacy, ~~for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.~~

(d) The publication or dissemination of such images through the use of Internet websites or electronic means creates a permanent record of the depicted person's private nudity so as to expose the genitals, pubic area, buttocks, or female breast, or when genitals, pubic area, buttocks, or female breast are not exposed but such videographic or still image is obscene or depicts private sexually explicit conduct.

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

(a) "Digitally forged intimate image" means any intimate image of an identifiable individual which appears to a reasonable person to be indistinguishable from an authentic visual depiction of the individual, and which is generated or substantially modified using machine-learning techniques or any other computer-generated or machine-generated means to falsely depict an individual's appearance or conduct, regardless of whether the visual depiction indicates, through a label or some other form of information published with the visual depiction, that the visual depiction is not authentic.

(b) "Image" includes, but is not limited to, any

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photograph, picture, motion picture, film, video, or representation.

~~(c)(b)~~ "Intimate image" means any still or videographic image that depicts wholly or partially uncovered genitals, pubic area, anus, or post-pubescent female nipple or areola of an individual; the display or transfer of semen or vaginal secretion; or sexually explicit conduct.

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

~~(e)(e)~~ "Sexually cyberharass" means to intentionally publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, ~~for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.~~ Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image. Absent affirmative consent to disseminate, intimate content creators have a reasonable expectation that individuals who view their content may not record or disseminate it.

~~(f)(d)~~ "Sexually explicit image" means any image depicting nudity, as defined in s. 847.001, or depicting a person engaging in sexual conduct, as defined in s. 847.001.

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

(b) A person who has one prior conviction for sexual cyberharassment and after an intervening adjudication for a previous violation of this section ~~who~~ commits a second or subsequent sexual cyberharassment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who violates subsection (3) with the intent to cause physical, mental, economic, or reputational harm to an individual portrayed in the image, or for the purpose of profit or pecuniary gain, commits a felony in the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A second or subsequent conviction under this subsection, after an intervening adjudication for a previous violation of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to not more than 10 years in prison, a fine of up to \$10,000, or both.

(6) Prosecution for a misdemeanor violation of this section must be commenced within 5 years after the commission of the offense or within 3 years after the date the victim discovers the offense or, by the exercise of due diligence, reasonably should have discovered the offense, whichever is later. Prosecution for a felony violation of this section must be commenced within 7 years after the commission of the offense or within 3 years after the date the victim discovers the offense

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117 or, by the exercise of due diligence, reasonably should have
118 discovered the offense, whichever is later.
119 ~~(7)-(5)~~ An aggrieved person may initiate a civil action
120 against a person who violates this section to obtain all
121 appropriate relief in order to prevent or remedy a violation of
122 this section, including the following:
123 (a) Injunctive relief.
124 (b) Monetary damages to include \$10,000 or actual damages
125 incurred as a result of a violation of this section, whichever
126 is greater.
127 (c) Punitive damages.
128 (d) Reasonable attorney fees and costs.
129 Section 2. This act shall take effect July 1, 2025.

March 18, 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

1084

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)

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 1268

INTRODUCER: Senator Simon

SUBJECT: Department of Law Enforcement

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 1268 amends various sections throughout ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically the bill:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.
- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Council's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.
- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

This bill does not have a fiscal impact on state revenues or expenditures. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida Department of Law Enforcement

Violent Crime Council

In 1993, the Florida Violent Crime Council (Ch. 93-204, LOF) was established to financially assist local law enforcement agencies in extraordinary violent crime cases. After Florida's crime trend slightly shifted from violent crime to drug crimes, the 2001 Legislature approved the expansion of the Council to include funding for drug investigations. Renamed the Violent Crime and Drug Control Council (VCDCC), the VCDCC was authorized to provide supplemental funding to local and state law enforcement agencies working violent crime, major drug and money laundering investigations, and victim/witness protection and relocation efforts. The Legislature supports the funding of the VCDCC on a year-to-year basis.¹

Pursuant to s. 943.031, F.S., the VCDCC is comprised of 14 members. The members are responsible to advise the Florida Department of Law Enforcement (FDLE) Executive Director and make recommendations on the development and implementation of initiatives to combat violent crime, drug trafficking, and money laundering. Eight members of the VCDCC are standing members (or designee) include the:

- Chief Financial Officer
- Attorney General
- Education Commissioner
- Executive Office of the Governor Public Safety Policy Coordinator
- Department of Juvenile Justice Secretary
- Department of Corrections Secretary
- Florida Network of Victim/Witness Services President
- FDLE Commissioner²

The remaining six members are appointed by the Governor,³ three of which are vacant and the other three continue to serve beyond their term, which has expired. Members appointed by the Governor serve 2-year terms and the standing members serve as long as they hold office or employment that was the basis for their appointment to the VCDCC.⁴

¹ Florida Department of Law Enforcement, *Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2024_VCDCC_Annual_Report_FINAL.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2024_VCDCC_Annual_Report_FINAL.aspx) (Last visited March 9, 2025).

² Section 943.031(2)(a)-(i), F.S.

³ Section 943.031(3), F.S.

⁴ Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, <https://www.fdle.state.fl.us/VCDCC/Publications> (last visited March 10, 2025)

The FDLE coordinates the VCDCC, assists the council in the performance of its duties and administers funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. An annual report on the activities of the VCDCC is produced each year in December.⁵

The Florida Network of Victim/Witness Services, which is a standing member of the VCDCC, appears to be inactive based on common internet searches but has submitted annual reporting through the Department of State.⁶ The not-for-profit organization does not maintain contact with the FDLE.

Due to budgetary constraints, VCDCC has only funded victim/witness protection reimbursement since September 2008. In 2009, the Legislature authorized FDLE to utilize trust funds to support victim/witness protection and relocation reimbursement requests. FDLE submitted a budget request during the Fiscal Year 20-21 legislative session requesting \$2,500,000 which would have allowed the department to resume awarding financial assistance to state and local law enforcement agencies. The legislature did not approve that request.⁷

Florida Statutes require all agencies awarded Council funds to complete a report on all active/open violent crime and drug funded cases every six months. The completed report, which is provided to FDLE by the receiving agency, must detail the expenditure of Council funds during the reporting period. FDLE continued to support the program utilizing operating trust funds through Fiscal Year 21-22. The Council did not hold an open conference meeting during 2024.⁸

Victim/Witness Protection Review Committee

The Victim/Witness Protection Review Committee was created within the Violent Crime and Drug Control Council. This committee is responsible for reviewing and approving or denying, in whole or in part, all requests for reimbursement of Victim/Witness Protection funding.⁹

The Council's six-member Victim and Witness Protection Review Committee held two closed conference meetings in February and June of 2022. The Committee approved two reimbursement

⁵ Florida Department of Law Enforcement, *Violent Crime and Drug Council Publications*, <https://www.fdle.state.fl.us/VCDCC/Publications> (last visited March 10, 2025)

⁶ Division of Corporations, available at <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDANETWORKVICTIMWITNESSSER%207482660&aggregateId=domnp-748266-86d11613-e88d-4797-a432-587a87600c6c&searchTerm=florida%20network%20of%20victim%20&listNameOrder=FLORIDANETWORKVICTIMWITNESSSER%207482660> (last visited March 10, 2025)

⁷ Ch 2021-36, L.O.F.

⁸ Florida Department of Law Enforcement, *2024 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2024_VCDCC_Annual_Report_FINAL.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2024_VCDCC_Annual_Report_FINAL.aspx) (Last visited March 9, 2025).

⁹ Florida Department of Law Enforcement, *Victim/Witness Protection Program Application Information Package*, available at <https://www.fdle.state.fl.us/VCDCC/Forms/VictimWitnessProtectionApplication.aspx> (Last visited March 9, 2025).

funding requests for a total of \$13,600.00.¹⁰ No funds were awarded to agencies for victim/witness protection reimbursement in 2023.¹¹

Violent Crime Investigative Emergency Account

In 1993, the Violent Crime Investigative Emergency Account was created (Ch. 93-204, LOF) as a mechanism to provide emergency supplemental funds to state and local law enforcement agencies which were involved in complex violent crime investigations. In 2001, the account was renamed to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account (Ch. 2001-127, LOF) to allow agencies to utilize the funding for complex drug investigations. The Legislature supports the funding on a year-to-year basis. The Legislature has not provided an appropriation since Fiscal Year 08-09.

Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation.^{12,13}

The networking and sharing of intelligence and investigative data enhances the existing communications network of the Florida Investigative Support Center (FISC) within the FDLE. This database enables the FDLE personnel to identify patterns and movements of specific criminal activities. In addition, it provides local law enforcement investigators with a statewide medium through which they share criminal information. Special Agents of the CACP have received extensive training in the area of crimes against children. Consequently, members of this program are qualified to investigate multi-jurisdictional operations and organized crimes against children. In addition, investigative and technical assistance is provided to local law enforcement agencies.¹⁴

Crimes Against Children Criminal Profiling Trust Fund

In 1989, the Crimes Against Children Criminal Profiling Trust Fund was established within FDLE (Ch. 89-3, LOF). The monies placed in the trust fund consisted of an additional fee on birth certificates authorized under s. 382.025, F.S., and any other money appropriated by the Legislature or received from the federal government or any other public or private source. The trust fund was established to assist local law enforcement agencies with investigative,

¹⁰Florida Department of Law Enforcement, *2022 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2022-VCDCC-Annual-Report.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2022-VCDCC-Annual-Report.aspx) (last visited March 9, 2025).

¹¹ Florida Department of Law Enforcement, *2023 Violent Crime and Drug Control Council Annual Report*, available at [https://www.fdle.state.fl.us/VCDCC/Publications-\(1\)/2023_VCDCC_Annual_Report_Final.aspx](https://www.fdle.state.fl.us/VCDCC/Publications-(1)/2023_VCDCC_Annual_Report_Final.aspx) (Last visited March 9, 2025).

¹² Section 943.041, F.S.

¹³ Florida Department of Law Enforcement, *Crimes Against Children*, available at <https://www.fdle.state.fl.us/mcicsearch/crimesagainstchildren.asp#:~:text=The%20Crimes%20Against%20Children%20Program,to%20local%20law%20enforcement%20agencies>. (last visited March 9, 2025).

¹⁴ Florida Department of Law Enforcement, *Agency Bill Analysis SB1268* (Department of Law Enforcement) on file with the Senate Criminal Justice Committee).

intelligence, research and training activities related to crimes against children. The trust fund was terminated on July 1, 1995, by legislative action (Ch. 94-265, LOF).

Domestic Security Oversight Council

In 2005, s. 943.0313, F.S., codified the Domestic Security Oversight Council (DSOC). The legislation provided for its membership, governance and duties of the council. The voting members include the:

- Executive Director of the Department of Law Enforcement
- Director of the Division of Emergency Management
- Attorney General
- Commissioner of Agriculture
- State Surgeon General
- Commissioner of Education
- State Fire Marshal
- Adjutant General of the Florida National Guard
- State Chief Information Officer
- Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
- Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.
- Two representatives of the Florida Fire Chiefs Association.
- One representative of the Florida Police Chiefs Association.
- One representative of the Florida Prosecuting Attorneys Association.
- The chair of the Statewide Domestic Security Intelligence Committee.
- One representative of the Florida Hospital Association.
- One representative of the Emergency Medical Services Advisory Council.
- One representative of the Florida Emergency Preparedness Association.
- One representative of the Florida Seaport Transportation and Economic Development Council.

The voting members must include the Chair of the Statewide Domestic Security Intelligence Committee. As the domestic security framework has evolved, this committee was abolished several years ago. This has caused a vacancy within the council that cannot be filled.¹⁵

The DSOC serves as an advisory council that in part reviews the development, maintenance and operation of a comprehensive domestic security strategy to guide the state's prevention, preparedness, protection, response and recovery efforts against terroristic attacks and make appropriate recommendations. The DSOC is required to report annually on its activities on or before December 31 of each calendar year to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of the committees having principal jurisdiction over domestic security.¹⁶

¹⁵ Florida Department of Law Enforcement, Office of Criminal Justice Grants, *Care for Retired Police Dogs*, available at <https://www.fdle.state.fl.us/FDLE-Grants/Office-of-Criminal-Justice-Grants/Programs/SFA/CRPD> (last visited March 10, 2025)

¹⁶ Section 943.0313(5), F.S.

Pursuant to s. 943.0311, F.S., the duties of the Chief of Domestic Security include a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each calendar year which details suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under s. 943.0311(6), F.S. This report is separate from the report required under s. 943.0313(6), F.S.

Care for Retired Police Dogs Program

In 2022, the Care for Retired Police Dogs Program was created in s. 943.69, F.S. The program established and provides funding for reimbursement of veterinary care for retired police dogs. The program currently provides reimbursement up to \$1,500 annually, per dog, for veterinary care to any former handler or adopter of a retired police dog, that served 5 or more years as a police dog.¹⁷

Funds under this program may be used for the following veterinary expenses, provided the expenses are the result of care/treatment from a licensed Florida veterinarian, including:

- Annual wellness exams,
- Vaccinations,
- Internal and external parasite prevention treatments,
- Testing and treatment of illnesses and diseases,
- Medications,
- Emergency care and surgeries,
- Veterinary oncology or other specialty care,
- Euthanasia, and
- Cremation.^{18,19}

Basic annual vet visits for cats and dogs cost between \$50 to \$250, and they increase up to \$8,000 for specialized treatment (wound treatment, bloat treatment, emergency surgery, etc.).²⁰ Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.²¹ Law enforcement dogs cannot work forever and are faced with natural aging conditions and may have sustained injuries in the line of duty.²²

¹⁷ Section 943.69, F.S.

¹⁸ Florida Department of Law Enforcement, Office of Criminal Justice Grants, *Care for Retired Police Dogs*, available at <https://www.fdle.state.fl.us/FDLE-Grants/Office-of-Criminal-Justice-Grants/Programs/SFA/CRPD> (last visited March 10, 2025).

¹⁹ Section 943.69, F.S.

²⁰ Dogster, *How Much Does a Vet Visit Cost? 2025 Pricing Update*, available at <https://www.dogster.com/dog-health-care/how-much-does-vet-visit-cost> (last visited March 10, 2025).

²¹ Hillsborough County Sheriff's Office, Operational Support Department, K-9 Unit, *Meet Our Team*, available at <https://www.teamhcsco.com/SpecialtyTeamMember> (last visited March 10, 2025); Pasco County Sheriff's Office, K-9 Association, available at <https://www.pascosheriffcharities.org/k-9-association/k-9-meet-the-teams/> (last visited March 10, 2025); Gainesville Police Department, *Patrol Support Bureau, K-9*, available at <http://www.gainesvillepd.org/About-GPD/Operations-Bureau/Patrol-Support-Bureau/K-9> (last visited March 10, 2025).

²² For example, in September 2021, three different Law Enforcement K-9s acting in the line of duty were shot by suspects in Florida. *Officials: Florida K-9s shot by carjacking suspect*, September 11, 2021, AP News, available at

When it is time for a law enforcement dog to retire, the dog typically lives with their law enforcement officer partner. The veterinary expenses due to complications from law enforcement K-9's injuries, joint problems, or other job-related health problems may be too costly for the former handler to incur.

Capitol Complex

The term "Capitol Complex" is the portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages.²³ The Capitol Police provide security for state officials, employees, and visitors to the Capitol Complex as specified in s. 943.61, F.S.

The FDLE provides security to the Governor, the Governor's immediate family, the Governor's office and Mansion including the grounds.²⁴ Capitol Police also provide and maintain security to the Governor's Mansion; however, it is not included in the current definition of "Capitol Complex" in s. 943.60, F.S.

III. Effect of Proposed Changes:

SB 1268 amends various sections throughout ch. 943, F.S., which is the Florida Law Enforcement Act. Specifically the bill:

- Section 943.0311, F.S., to require suggestions for security enhancements of certain buildings, facility, or structure owned or leased by a state agency, state university, or community college or an entity that has conducted an assessment to be submitted with the annual domestic security report, as required by s. 943.0313(6), F.S.
- Section 943.0313, F.S., to allow one statewide domestic security intelligence representative selected by the chair of the Florida Fusion Center Executive Advisory Board to serve as a voting member of the Statewide Domestic Security Intelligence Committee, rather than the chair. The Domestic Security Oversight Council's (DSOC) annual report must include information submitted by the Chief of Domestic Security.
- Section 943.60, F.S., to add the Governor's Mansion and its curtilage to the buildings identified as part of the Capitol Complex.
- Section 943.69, F.S., to increase the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.
- Section 914.25, F.S., to remove expense reimbursements for protective services via the Victim and Witness Protection Review Committee and amends s. 914.27, F.S., to remove all references to the Victim and Witness Protection Review Committee.
- Section 943.041, F.S., to rename the Crimes Against Children Criminal Profiling Program to the Child Exploitation and Crimes Against Children Program.

<https://apnews.com/article/police-florida-carjacking-dogs-02ad82fce042d444f7d067151a3aeb30> (last visited March 10, 2025); *JSO K-9 recovering after being shot during Nassau County manhunt*, Carianne Luter, Social Media Producer, September 27, 2021, News4Jax, available at <https://www.news4jax.com/news/local/2021/09/27/jso-k-9-recovering-after-being-shot-during-nassau-county-manhunt/> (last visited March 10, 2025).

²³ Section 943.60, F.S.

²⁴ Section 943.68(1), F.S.

- Section 943.17, F.S., to remove the reference to the Florida Violent Crime and Drug Control Council.

The bill repeals s. 943.031, F.S., relating to the Florida Violent Crime and Drug Control Council and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by 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:

An appropriation of \$300,000 in recurring funds from the General Revenue Fund (2022) will continue to fund the administration of the program.²⁵

²⁵ Section 943.69, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.0311, 943.041, 943.17, 943.0313, 943.60, 943.69, 914.25, 914.27

This bill repeals the following sections of the Florida Statutes: 943.031, 943.042

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

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

None.

B. Amendments:

None.

By Senator Simon

3-01003A-25

20251268

A bill to be entitled

An act relating to the Department of Law Enforcement; repealing ss. 943.031 and 943.042, F.S., relating to the Florida Violent Crime and Drug Control Council and the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, respectively; amending s. 943.0311, F.S.; revising requirements for a report by the Chief of Domestic Security; amending ss. 943.041 and 943.17, F.S.; conforming provisions to changes made by the act; amending s. 943.0313, F.S.; revising the membership of the Domestic Security Oversight Council; revising reporting requirements; amending s. 943.60, F.S.; including the Governor's mansion in the definition of the term "Capitol Complex" for specified provisions; amending s. 943.69, F.S.; increasing the maximum annual amount that may be spent for veterinary care of retired police dogs under a program administered through the department; amending ss. 914.25 and 914.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 943.031 and 943.042, Florida Statutes, are repealed.

Section 2. Subsection (4) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the

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

3-01003A-25

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department with respect to domestic security.—

(4) The chief shall report ~~to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each year~~ suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under subsection (6). Such suggestions must be submitted to the Domestic Security Oversight Council for inclusion in the report required under s. 943.0313(6). The chief may use ~~utilize~~ the assessments provided under subsection (6) in making his or her suggestions. The report must ~~shall~~ suggest strategies to maximize federal funds in support of building or facility security if such funds are available.

Section 3. Section 943.041, Florida Statutes, is amended to read:

943.041 Child Exploitation and Crimes Against Children Criminal Profiling Program.—There is created the Child Exploitation and Crimes Against Children Criminal Profiling Program within the department. The program shall perform investigative, intelligence, research, and training activities related to child exploitation and other crimes against children.

Section 4. Subsection (5) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced,

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

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and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(5) The commission, ~~in consultation with the Florida Violent Crime and Drug Control Council,~~ shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. ~~After January 1, 1995,~~ Every basic skills course required in order for law enforcement officers to obtain initial certification must include training on violent crime prevention and investigations.

Section 5. Paragraph (a) of subsection (1) and subsection (6) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism and immigration enforcement incident prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and domestic security efforts.

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(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall be composed ~~consist~~ of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. The state chief information officer.
10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.
12. Two representatives of the Florida Fire Chiefs Association.
13. One representative of the Florida Police Chiefs Association.
14. One representative of the Florida Prosecuting Attorneys Association.
15. One statewide domestic security intelligence representative, selected by the chair of the Florida Fusion Center Executive Advisory Board ~~The chair of the Statewide Domestic Security Intelligence Committee.~~
16. One representative of the Florida Hospital Association.

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17. One representative of the Emergency Medical Services Advisory Council.

18. One representative of the Florida Emergency Preparedness Association.

19. One representative of the Florida Seaport Transportation and Economic Development Council.

(6) REPORTS.—The council shall report annually on its activities, on or before December 31 of each calendar year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the committees having principal jurisdiction over domestic security in the Senate and the House of Representatives. The report must include information submitted by the Chief of Domestic Security as required under s. 943.0311(4).

Section 6. Section 943.60, Florida Statutes, is amended to read:

943.60 Definitions.—For the purposes of ss. 943.60-943.68, the term "Capitol Complex" means that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray Building, and the associated parking garages and curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King Jr. Boulevard, and Gaines Street. The term includes the State Capital Circle Office Complex located in Leon County, Florida. The term includes the Governor's mansion and

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the curtilage thereof, located in Leon County, Florida. The term does not include the Supreme Court Building or the public streets adjacent thereto. The portion of the Capitol Complex existing between and including the Elliot Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street shall be known as "Memorial Park."

Section 7. Paragraph (b) of subsection (5) of section 943.69, Florida Statutes, is amended to read:

943.69 Care for Retired Police Dogs Program.—

(5) FUNDING.—

(b) Annual disbursements to a former handler or an adopter to reimburse him or her for the cost of the retired police dog's veterinary care may not exceed \$5,000 ~~\$1,500~~ per dog. A former handler or an adopter of a retired police dog may not accumulate unused funds from a current year for use in a future year.

Section 8. Subsection (5) of section 914.25, Florida Statutes, is amended to read:

914.25 Protective services for certain victims and witnesses.—

~~(5) The lead law enforcement agency that provides protective services, as authorized in this section, may seek reimbursement for its reasonable expenses from the Victim and Witness Protection Review Committee, pursuant to s. 943.031.~~

This section does not prevent any law enforcement agency from providing protective services at the agency's expense beyond the 4-year maximum period established in this section. Any such additional expenditures for protective services are not eligible for the reimbursement provided in this section.

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Section 9. Subsections (1) and (4) of section 914.27, Florida Statutes, are amended to read:

914.27 Confidentiality of victim and witness information.—

(1) Information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, ~~the Victim and Witness Protection Review Committee created pursuant to s. 943.031,~~ or the Department of Law Enforcement which discloses:

(a) The identity or location of a victim or witness who has been identified or certified for protective or relocation services pursuant to s. 914.25;

(b) The identity or location of an immediate family member of a victim or witness who has been identified or certified pursuant to s. 914.25;

(c) Relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protective services afforded by s. 914.25; or

(d) The identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has made a relocation of permanent residence by reason of the victim's or witness's involvement in the investigation or prosecution giving rise to certification for protective or relocation services pursuant to s. 914.25;

is confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protective or relocation services provided pursuant to s. 914.25 and to support the prosecution efforts of the state attorneys and the

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statewide prosecutor. Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided.

(4) The certifying state attorney or statewide prosecutor may state in writing ~~to the Victim and Witness Protection Review Committee established pursuant to s. 943.031~~ that even though certification for participation in the victim or witness protective services program is about to expire, disclosure of information made confidential and exempt by paragraph (1)(a) or paragraph (1)(b) continues to constitute an unwarranted risk to, or jeopardizes the safety of, victims, witnesses, or family members of such victims or witnesses. ~~Accordingly,~~ The confidential and exempt status of such information shall continue until the certifying state attorney or statewide prosecutor determines that disclosure of such information would not constitute an unwarranted risk to, or jeopardize the safety of, such persons, ~~and provides written notification to that effect to the Victim and Witness Protection Review Committee.~~

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



The Florida Senate

Committee Agenda Request

To: Senator Jonathan Martin, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: March 7th, 2025

I respectfully request that **Senate Bill #1268**, relating to the Department of Law Enforcement, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line. Below the line, the text "Senator Corey Simon" and "Florida Senate, District 3" is printed.

Senator Corey Simon
Florida Senate, District 3

March 18, 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

1268

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)

The Florida Senate

APPEARANCE RECORD

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

3/18/25

Meeting Date

CRIMINAL JUSTICE

Committee

SB1268

Bill Number or Topic

Amendment Barcode (if applicable)

Name BOBBIE SMITH

Phone 850-410-7000

Address 2331 PHILIPS RD

Street

Email BOBBIESMITH@FDLE.STATE.
FL.US

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:

FDLE

☐ 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)



2025 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB 1268
BILL TITLE:	Florida Department of Law Enforcement
BILL SPONSOR:	Sen. Simon
EFFECTIVE DATE:	July 1, 2025

COMMITTEES OF REFERENCE

1)
2)
3)
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

--

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB 1053
SPONSOR:	Plakon

Is this bill part of an agency package?

Yes

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	March 5, 2025
LEAD AGENCY ANALYST:	Mike Phillips, Lori Mizell
ADDITIONAL ANALYST(S):	Erica Elliott
LEGAL ANALYST:	Jeff Dambly
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill repeals the statutes relating to the Florida Violent Crime and Drug Control Council and a related funding account. It amends the title of the Crimes Against Children Criminal Profiling Program to better align with current operations. It also revises the membership of the Domestic Security Oversight Council and its reporting requirements. It also increases the per dog reimbursement allocation authorized under the Care for Retired Police Dog program. Finally, the bill amends the definition of "Capitol Complex" within chapter 943 to include the Governor's mansion.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

In 1993, the Florida Violent Crime Council (Ch. 93-204) was established to financially assist local law enforcement agencies in extraordinary violent crime cases. After Florida's crime trend slightly shifted from violent crime to drug crimes, the 2001 Legislature approved the expansion of the Council to include funding for drug investigations. Renamed the Violent Crime and Drug Control Council (VCDCC), the VCDCC was authorized to provide supplemental funding to local and state law enforcement agencies working violent crime, major drug and money laundering investigations, and victim/witness protection and relocation efforts. The Legislature supports the funding of the VCDCC on a year-to-year basis. The Legislature has not provided an appropriation since FY08-09.

As prescribed by statute, the VCDCC membership is comprised of 14 members to advise the Florida Department of Law Enforcement (FDLE) Executive Director and make recommendations on the development and implementation of initiatives to combat violent crime, drug trafficking, and money laundering. Eight members of the VCDCC are standing members by virtue of their positions, two of which are currently vacant, and one organization no longer exists creating a third vacancy. The other six members are appointed by the Governor, three of which are vacant and the other three continue to serve beyond their term, which has expired. Members appointed by the Governor serve 2-year terms and the standing members serve as long as they hold office or employment that was the basis for their appointment to the VCDCC. FDLE coordinates the VCDCC, assists the council in the performance of its duties and administers funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. An annual report on the activities of the VCDCC is produced each year in December.

Due to budgetary constraints, the VCDCC has only funded victim/witness protection reimbursement requests since September 2008. In 2009, the Legislature authorized FDLE to utilize trust funds to support victim/witness protection and relocation reimbursement requests. FDLE submitted a budget request during the FY20-21 legislative session requesting \$2,500,000 which would have allowed the department to resume awarding financial assistance to state and local law enforcement agencies. The legislature did not approve that request. FDLE continued to support the program utilizing operating trust funds through FY21-22.

In 1993, the Violent Crime Investigative Emergency Account was created (Ch. 93-204) as a mechanism to provide emergency supplemental funds to state and local law enforcement agencies which were involved in complex violent crime investigations. In 2001, the account was renamed to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account (Ch. 2001-127) to allow agencies to utilize the funding for complex drug investigations. The Legislature supports the funding on a year-to-year basis. The Legislature has not provided an appropriation since FY08-09.

In 1989, the Crimes Against Children Criminal Profiling Trust Fund was established within FDLE (Ch. 89-3). The monies placed in the trust fund consisted of an additional fee on birth certificates authorized under s. 382.025, F.S., and any other money appropriated by the Legislature or received from the federal government or any other public or private source. The trust fund was established to assist local law enforcement agencies with investigative, intelligence, research and training activities related to crimes against children.

The trust fund was terminated on July 1, 1995, by legislative action (Ch. 94-265) and the Crimes Against Children Criminal Profiling Program was created within the department. The legislation tasked FDLE with performing investigative, intelligence, research and training activities related to crimes against children. As technology has advanced and the distribution of child sexual abuse material (CSAM) has become more prevalent the focus has shifted to internet crimes against children. FDLE continues to work crimes against children cases, but not specifically employing profiling techniques for these cases. The priority is on cases involving actual sexual abuse of children and the repeated victimization they experience by the distribution of images and videos utilizing the internet. This involves

the use of highly technical investigative tools to target the distributors and distribution networks of CSAM. In addition, FDLE leads a training conference focused on the technical tools for the investigations, best practice techniques, lessons learned from prior cases and intelligence sharing between various task forces focused on similar types of investigations.

Pursuant to s. 943.17, F.S., the Criminal Justice Standards and Training Commission is required to consult with the VCDCC to establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. After the initial establishment of the standards, the training programs have been reviewed on an annual basis and updated as necessary.

In 2005, s. 943.0313, F.S., codified the Domestic Security Oversight Council (DSOC). The legislation provided for its membership, governance and duties of the council. The voting members shall include the Chair of the Statewide Domestic Security Intelligence Committee. As the domestic security framework has evolved, this committee was abolished several years ago. This has caused a vacancy within the council that cannot be filled.

As part of its duties, the DSOC is required to report annually on its activities on or before December 31 of each calendar year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the committees having principal jurisdiction over domestic security. This report does not include the suggestions from the critical infrastructure report required under s. 943.0311, F.S.

Pursuant to s. 943.0311, F.S., the duties of the Chief of Domestic Security include a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each calendar year which details suggestions for specific and significant security enhancements of any building, facility, or structure owned or leased by a state agency, state university, or community college or any entity that has conducted an assessment under s. 943.0311(6). This report is separate from the report required under s. 943.0313(6), F.S.

Section 943.69, F.S. established the Care for Retired Police Dogs Program and provides funding for veterinary care for retired police dogs. The program currently provides reimbursement up to \$1,500 annually, per dog, for veterinary care to any former handler or adopter of a retired police dog.

Section 943.61, F.S. places the responsibility of security for the Capitol Complex with Capitol Police. Capitol Police provides security to the Governor's Mansion; however, it is not included in the current definition of "Capitol Complex" in s. 282.01 or 943.60, F.S.

2. EFFECT OF THE BILL:

Section 1. The bill repeals s. 943.031, F.S., relating to the Violent Crime and Drug Control Council, and s. 943.042, F.S., relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

Section 2. The bill amends s. 943.041, F.S., relating to the Crimes Against Children Criminal Profiling Program retitling it to become the Child Exploitation and Crimes Against Children Program. This more accurately reflects the current operations, investigations, and training activities conducted by the department.

Section 3. The bill amends s. 943.17, F.S., removing a reference to the Florida Violent Crime and Drug Control Council.

Section 4. The bill amends s. 943.0313, F.S., removing the Chair of the Statewide Domestic Security Intelligence Committee as a voting member and replacing it with one statewide domestic security intelligence representative. It also amends the reporting requirements to include the critical infrastructure report as part of the annual domestic security report.

Section 5. The bill amends s. 943.0311, F.S., requiring the annual critical infrastructure report to be included with the annual domestic security report.

Section 6. The bill amends s. 943.60, F.S., to add the Governor's Mansion to the buildings identified as part of the Capitol Complex.

Section 7. The bill amends s. 943.69, F.S., increasing the maximum annual disbursements for veterinary care of retired police dogs from \$1,500 to \$5,000 per dog.

Section 8. The bill amends s. 914.25, F.S., removing expense reimbursement for protective services via the Victim and Witness Protection Review Committee.

Section 9. The bill amends s. 914.27, F.S., removing all references the Victim and Witness Protection Review Committee.

Section 10. The bill takes effect July 1, 2025.

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

If yes, explain:	FDLE will need to repeal the rules associated with the Violent Crime and Drug Control Council.
What is the expected impact to the agency's core mission?	No impact.
Rule(s) impacted (provide references to F.A.C., etc.):	F.A.C. 11N-1.0001; 11N-1.002; 11N-1.0021; 11N-1.00222; 11N-1.007

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

List any known proponents and opponents:	Proponent of Section 4: Domestic Security Oversight Council
Provide a summary of the proponents' and opponents' positions:	Ability to fill a vacant voting member seat.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☒ N ☐

If yes, provide a description:	Yes. The annual critical infrastructure report currently required under s. 943.0313, F.S., will be combined with the annual domestic security report currently required under s. 943.0311, F.S.
Date Due:	Annually on December 31.
Bill Section Number:	Sections 4 and 5.

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

Board:	Domestic Security Oversight Council
Board Purpose:	Provide direction and leadership with respect to terrorism and immigration enforcement, incident prevention, preparation, protection, response and recovery efforts by state and local agencies in the state.
Who Appointments:	The 19 voting members are designated in statute by nature of their office or employment. There are 11 ex-officio members designated in statute by nature of their office or employment, but the council may invite other ex-officio members outside of those designated in statute.
Appointee Term:	Members serve as long as they hold the position or are employed by the agency, office or organization designated in statute. Representatives from agencies or organizations other than those designated by title shall be chosen by the entity.
Changes:	The Statewide Domestic Security Intelligence Committee no longer exists.
Bill Section Number(s):	Section 4

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
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?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	
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FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	
--	--

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	No comments or concerns
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ADDITIONAL COMMENTS

Section 4. Due to the vacancy created after the Statewide Domestic Security Intelligence Committee was dissolved, DSOC selected to include a non-voting ex-officio member to represent state and local law enforcement intelligence personnel.

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 1360

INTRODUCER: Criminal Justice Committee and Senator Leek

SUBJECT: Controlled Substances

DATE: March 20, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Fav/CS
2. _____	_____	ACJ	_____
3. _____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1360 amends s. 893.03, F.S., to except from the list of Schedule I controlled substances, xylazine animal drug product approved by the United States Food and Drug Administration (FDA) for veterinary purposes.

The term “xylazine” means the nonopioid tranquilizer methyl benzene compound frequently used in veterinary medicine as an emetic and sedative with analgesic and muscle relaxant properties.¹

The bill amends s. 893.13, F.S., to provide it is a first degree felony,² with a mandatory minimum prison term of 3 years for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver certain xylazine.

Additionally, the bill amends s. 893.135, F.S., to create a first degree felony for trafficking in xylazine. A person may not knowingly sell, purchase, manufacture, deliver, or bring into this state, or knowingly in actual or constructive possession of, 4 grams or more of xylazine or any salt thereof, or 4 grams or more of any mixture containing any such substance. An offender convicted of such an offense must be sentenced to a mandatory minimum term of imprisonment

¹ 15 U.S.C. 278u.

² Sections 775.082, 775.083, or 775.084, F.S.

and fine, the length and amount of which varies depending upon the amount of xylazine involved in the offense.

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

The bill takes effect on October 1, 2025.

II. Present Situation:

Currently, s. 893.03(1)(c)37., F.S., lists xylazine as a Schedule I drug. A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards.³ Xylazine is also known as “tranq”⁴ and is a central nervous system depressant that can cause drowsiness, amnesia, slow breathing, low heart rate and blood pressure. Xylazine is FDA approved for use in animals as a sedative and pain reliever, it is not safe for use in humans and it is not known if the exposure can be reversed by naloxone.⁵ Naloxene is an FDA approved medicine used to quickly reverse an opioid overdose.⁶ Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.⁷

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the “potential for abuse”⁸ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.

³ Section 893.03(1), F.S.

⁴ National Library of Medicine, *Increasing presence of xylazine in heroin and/or fentanyl deaths, Philadelphia, Pennsylvania, 2010–2019*, Johnson J, Pizzicato L, Johnson C, Viner K., August 2021, available at <https://pubmed.ncbi.nlm.nih.gov/33536231/> (last visited March 10, 2025).

⁵ U.S. Food and Drug Administration, *FDA alerts health care professionals of risks to patients exposed to xylazine in illicit drugs, November 8, 2022*, available at <https://www.fda.gov/drugs/drug-safety-and-availability/fda-alerts-health-care-professionals-risks-patients-exposed-xylazine-illicit-drugs> (last visited March 10, 2025).

⁶ Drugs.com, *Naloxene*, <https://www.drugs.com/naloxone.html> (last visited March 10, 2025)

⁷ National Institute on Drug Abuse, *Xylazine Research Topics*, available at <https://nida.nih.gov/research-topics/xylazine> (last visited on March 11, 2025).

⁸ Section 893.035(3)(a), F.S., defines “potential for abuse” as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user’s health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user’s own initiative rather than on the basis of professional medical advice.

- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Selling a Controlled Substance or Possessing a Controlled Substance with Intent to Sell

Section 893.13, F.S., in part, punishes unlawful possession, sale, purchase, manufacture, and delivery of a controlled substance.⁹ The penalty assigned by s. 893.13, F.S., depends on the schedule applicable to the controlled substance that is being sold or possessed with intent to sell and, in some instances, the location in which the violation occurs. A person who unlawfully possesses specified controlled substances, such as xylazine, commits a third degree felony.^{10,11}

Section 893.13(1)(i), F.S., specifies that a person commits a first degree felony¹² and must be sentenced to a mandatory minimum term of imprisonment of three years if he or she sells, manufactures, or delivers, or possesses with the intent to sell, manufacture, or deliver:

- Alfentanil, carfentanil, fentanyl, sufentanil, a fentanyl derivative, a specified fentanyl analog, or a mixture containing any such substance; and
- The substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or

⁹ See e.g., s. 893.13(1)(a) and (b) and (6), F.S.

¹⁰ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

¹¹ Section 893.13(1)(a)2., F.S.

¹² A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. ss. 775.082, 775.083, or 775.084, F.S.

into, a product, when such product or its packaging further has at least one of the following attributes:

- Resembles the trade dress of a branded food product, consumer food product, or logo food product;
- Incorporates an actual or fake registered copyright, service mark, or trademark;
- Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin based product; or
- Contains a cartoon character imprint.

There is currently no offense for selling, or possessing with the intent to sell, xylazine with specified attributes.

Drug Trafficking

Section 893.135, F.S., punishes drug trafficking, which consists of knowingly selling, purchasing, manufacturing, delivering, or bringing into this state (importing), or knowingly being in actual or constructive possession of, certain Schedule I or Schedule II controlled substances, in a statutorily-specified quantity. The statute only applies to a limited number of such controlled substances, including fentanyl and fentanyl-related substances. The controlled substance involved in the trafficking must meet a specified weight or quantity threshold. Most drug trafficking offenses are first degree felonies and are subject to a mandatory minimum term of imprisonment and a mandatory fine, which is determined by the weight or quantity range applicable to the weight or quantity of the substance involved in the trafficking.

For example, trafficking in 4 grams or more of the following is a first degree felony:

- Alfentanil;
- Carfentanil;
- Fentanyl;
- Sufentanil;
- A fentanyl derivative;¹³
- A controlled substance analog¹⁴ of any previously-described substance or a fentanyl derivative; or
- A mixture containing any previously-described substance or a fentanyl derivative or analog.¹⁵

If the quantity involved in the drug trafficking violation is:

- Four grams or more, but less than 14 grams, the person must be sentenced to a mandatory minimum term of imprisonment of 7 years, and must be ordered to pay a fine of \$50,000;
- Fourteen grams or more, but less than 28 grams, the person must be sentenced to a mandatory minimum term of imprisonment of 20 years, and must be ordered to pay a fine of \$100,000; or
- Twenty-eight grams or more, the person must be sentenced to a mandatory minimum term of imprisonment of 25 years, and must be ordered to pay a fine of \$500,000.¹⁶

¹³ See s. 893.03(1)(a)62., F.S.

¹⁴ See s. 893.0356(2)(a), F.S.

¹⁵ Section 893.135(1)(c)4.a.(I)-(VII), F.S.

¹⁶ Section 893.135(1)(c)4.b.(I)-(III), F.S.

There is currently no offense for trafficking in xylazine.

Mandatory Minimum Sentencing

Mandatory minimum sentencing in Florida began in the 1980's and is designed to ensure consistent and severe penalties for specific crimes. Sentencing offenders to mandatory minimum terms of imprisonment prevents the use of early release mechanisms and ensures that offenders serve most or all of their court-imposed sentences.¹⁷ These laws require judges to impose a predetermined minimum sentence for certain offenses, regardless of the circumstances surrounding the crime or the individual's background. Generally, mandatory minimum sentences often apply to specific crimes like drug offenses, firearm violations, and repeat offenses.

III. Effect of Proposed Changes:

The bill amends s. 893.03, F.S., to except from the list of Schedule I controlled substances, xylazine animal drug product approved by the United States Food and Drug Administration (FDA) for veterinary purposes.

The bill amends s. 893.13, F.S., to provide it is a first degree felony, with a mandatory minimum prison term of 3 years¹⁸ to for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver xylazine, its analog, or a mixture containing xylazine; and the substance or mixture is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

- Resembles the trade dress of a branded food product, consumer food product, or logo food product;
- Incorporates an actual or fake registered copyright, service mark, or trademark;
- Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or
- Contains a cartoon character imprint.¹⁹

Additionally, the bill amends s. 893.135, F.S., to create a first degree felony for trafficking in xylazine. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of xylazine²⁰ or any salt thereof, or 4 grams or more of any mixture containing any such substance, commits “trafficking in xylazine.” If the quantity involved is:

- Four grams or more, but less than 14 grams, such person must be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$50,000.

¹⁷ U.S. Department of Justice, Office of Justice Programs, *Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/mandatory-minimum-sentencing-florida-past-trends-and-future> (last visited on March 10, 2025).

¹⁸ Sections 775.082, 775.083, or 775.084, F.S.

¹⁹ Sections 893.13(1)(i), F.S.

²⁰ Sections s. 893.03(1)(c), F.S.

- Fourteen grams or more, but less than 28 grams, such person must be sentenced to a mandatory minimum term of imprisonment of 20 years and shall be ordered to pay a fine of \$100,000.
- Twenty-eight grams or more, such person must be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the

Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the DOC, in FY 23-24, there were 704 new commitments to prison for possession of a controlled substance and 315 new commitments for the sale, manufacture, or delivery of a controlled substance. Since this data has multiple different drugs included, it is not known how many of these offenses involved xylazine. Therefore, the prison bed impact of this new language cannot be determined.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 893.03, 893.13, 893.135

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 Committee on March 18, 2025:

The amendment removes the exception in the Schedule 3 controlled substances, and maintains an exception for xylazine use for veterinary purposes in the list of Schedule 1 controlled substances.

- B. Amendments:

None.

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

²¹ Office of Economic and Demographic Research, *SB 1360 – Controlled Substances*, (on file with the Senate Committee on Criminal Justice).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 103 - 1040

and insert:

37. Xylazine, except for a xylazine animal drug product approved by the United States Food and Drug Administration and the use of which conforms to the approved application or is authorized under 21 U.S.C. s. 360b(a)(4). The manufacture, importation, distribution, prescribing, or sale of xylazine for human use is not subject to this exception.



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- 11 38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)
12 (Thiophene analog of phencyclidine).
13 39. 3,4,5-Trimethoxyamphetamine.
14 40. Methylone (3,4-Methylenedioxy methcathinone).
15 41. MDPV (3,4-Methylenedioxy pyrovalerone).
16 42. Methy methcathinone.
17 43. Methoxy methcathinone.
18 44. Fluoromethcathinone.
19 45. Methylethcathinone.
20 46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
21 yl)phenol) and its dimethyloctyl (C8) homologue.
22 47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
23 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
24 48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
25 49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
26 50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
27 naphthoyl)indole).
28 51. BZP (Benzylpiperazine).
29 52. Fluorophenylpiperazine.
30 53. Methylphenylpiperazine.
31 54. Chlorophenylpiperazine.
32 55. Methoxyphenylpiperazine.
33 56. DBZP (1,4-Dibenzylpiperazine).
34 57. TFMPP (Trifluoromethylphenylpiperazine).
35 58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
36 Methylenedioxy-N-methylbutanamine).
37 59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
38 60. 5-Hydroxy-N-methyltryptamine.
39 61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).



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- 62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 63. Methyltryptamine.
- 64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 66. Tyramine (4-Hydroxyphenethylamine).
- 67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 68. DiPT (N,N-Diisopropyltryptamine).
- 69. DPT (N,N-Dipropyltryptamine).
- 70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- 71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 81. Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).
- 82. Ethcathinone.
- 83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 84. Naphyrone (Naphthylpyrovalerone).
- 85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
- 86. 3,4-Methylenedioxy-N,N-diethylcathinone.
- 87. 3,4-Methylenedioxy-propiofenone.
- 88. 3,4-Methylenedioxy-alpha-bromopropiofenone.
- 89. 3,4-Methylenedioxy-propiofenone-2-oxime.



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90. 3,4-Methylenedioxy-N-acetylcathinone.
91. 3,4-Methylenedioxy-N-acetylmethcathinone.
92. 3,4-Methylenedioxy-N-acetylethcathinone.
93. Bromomethcathinone.
94. Buphedrone (alpha-Methylamino-butyrophenone).
95. Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).
96. Dimethylcathinone.
97. Dimethylmethcathinone.
98. Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).
99. MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).
100. MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).
101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
102. MPHP (Methyl-alpha-pyrrolidinohexanophenone).
103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).
104. F-MABP (Fluoromethylaminobutyrophenone).
105. MeO-PBP (Methoxypyrrolidinobutyrophenone).
106. Et-PBP (Ethylpyrrolidinobutyrophenone).
107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
108. Me-EABP (Methylethylaminobutyrophenone).
109. Etizolam.
110. PPP (Pyrrolidinopropiophenone).
111. PBP (Pyrrolidinobutyrophenone).
112. PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).



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113. MPPP (Methyl-alpha-pyrrolidinopropiophenone) .
114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole) .
115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole) .
116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole) .
117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole) .
118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole) .
119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole) .
120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole) .
121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene) .
122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole) .
123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole) .
124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole) .
125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole) .
126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole) .
127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole) .
128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole) .
129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole) .
130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) .
131. HU-308 ([(1R,2R,5R) -2-[2,6-Dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol) .
132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione) .
133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene) .
134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-



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undecanamide).

135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy) -
undecanamide).

136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-
methyloctan-2-yl)phenol).

137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).

139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
methoxyphenylacetyl)indole).

141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
naphthalenylmethanone).

142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
naphthalenylmethanone).

143. Pentedrone (alpha-Methylaminovalerophenone).

144. Fluoroamphetamine.

145. Fluoromethamphetamine.

146. Methoxetamine.

147. Methiopropamine.

148. Methylbuphedrone (Methyl-alpha-
methylaminobutyrophenone).

149. APB ((2-Aminopropyl)benzofuran).

150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).

151. UR-144 (1-Pentyl-3-(2,2,3,3-
tetramethylcyclopropanoyl)indole).

152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
tetramethylcyclopropanoyl)indole).



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153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
155. AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole).
156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).
157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate).
158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester).
159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).
160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
161. 2C-H (2,5-Dimethoxyphenethylamine).
162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
165. MDMA (3,4-Methylenedioxymethamphetamine).
166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).
167. Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-carboxylate).
168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-carboxylate).
169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).
170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).



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171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
177. FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-carboxylate).
178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).
179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).
181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).
182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).
183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).
184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9



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diol).

185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol).

186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

187. MAPB ((2-Methylaminopropyl)benzofuran).

188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

190. Synthetic Cannabinoids.—Unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical class descriptions, or homologues, nitrogen-heterocyclic analogs, isomers (including optical, positional, or geometric), esters, ethers, salts, and salts of homologues, nitrogen-heterocyclic analogs, isomers, esters, or ethers, whenever the existence of such homologues, nitrogen-heterocyclic analogs, isomers, esters, ethers, salts, and salts of isomers, esters, or ethers is possible within the specific chemical class or designation. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or the compounds of these structures shall be included under this subparagraph, regardless of their specific numerical designation of atomic positions covered, if it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within



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one or more of the following categories:

a. Tetrahydrocannabinols.—Any tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, the synthetic equivalents of the substances contained in the plant or in the resinous extracts of the genus *Cannabis*, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, including, but not limited to, Delta 9 tetrahydrocannabinols and their optical isomers, Delta 8 tetrahydrocannabinols and their optical isomers, Delta 6a,10a tetrahydrocannabinols and their optical isomers, or any compound containing a tetrahydrobenzo[c]chromene structure with substitution at either or both the 3-position or 9-position, with or without substitution at the 1-position with hydroxyl or alkoxy groups, including, but not limited to:

(I) Tetrahydrocannabinol.

(II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

(VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).



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(VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(X) Parahexyl.

b. Naphthoylindoles, Naphthoylindazoles, Naphthoylcarbazoles, Naphthylmethylindoles, Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any compound containing a naphthoylindole, naphthoylindazole, naphthoylcarbazole, naphthylmethylindole, naphthylmethylindazole, or naphthylmethylcarbazole structure, with or without substitution on the indole, indazole, or carbazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

(II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-naphthoyl)indole).

(III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

(IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).

(V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

(VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).

(VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).

(VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).

(IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).

(X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).

(XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

(XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).

(XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).

(XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-



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301 naphthoyl) indole) .
302 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl) indole) .
303 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) .
304 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
305 naphthoyl) indole) .
306 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl) indole) .
307 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl) indole) .
308 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl) indole) .
309 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl) indole) .
310 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-
311 naphthylmethyl] indole) .
312 (XXIII) JWH-193 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methyl-1-
313 naphthoyl) indole) .
314 (XXIV) JWH-198 (1-[2-(4-Morpholinyl) ethyl]-3-(4-methoxy-1-
315 naphthoyl) indole) .
316 (XXV) JWH-200 (1-[2-(4-Morpholinyl) ethyl]-3-(1-
317 naphthoyl) indole) .
318 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl) indole) .
319 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl) indole) .
320 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole) .
321 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl) indole) .
322 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl) indole) .
323 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl) methyl]-3-(1-
324 naphthoyl) indole) .
325 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-
326 naphthoyl) indole) .
327 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-
328 naphthoyl) indole) .
329 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-



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naphthoyl)indole).

(XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-naphthoyl)indole).

(XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).

(XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).

(XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-naphthoyl)indole).

(XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-naphthoyl)indole).

(XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).

(XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-naphthoyl)carbazole).

c. Naphthoylpyrroles.—Any compound containing a naphthoylpyrrole structure, with or without substitution on the pyrrole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).

(II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).

(III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).

(IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).

(V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).

(VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-naphthoyl)pyrrole).

(VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-naphthoyl)pyrrole).

(VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-naphthoyl)pyrrole).

(IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-



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naphthoyl)pyrrole).

(X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole).

d. Naphthylmethylenindenenes.—Any compound containing a naphthylmethylenindene structure, with or without substitution at the 3-position of the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to, JWH-176 (3-Pentyl-1-(naphthylmethylene)indene).

e. Phenylacetylindoles and Phenylacetylindazoles.—Any compound containing a phenylacetylindole or phenylacetylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

(I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).

(II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).

(III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).

(IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).

(V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).

(VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).

(VII) Cannabipiperidiethanone.

(VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).

f. Cyclohexylphenols.—Any compound containing a cyclohexylphenol structure, with or without substitution at the 5-position of the phenolic ring to any extent, whether or not substituted on the cyclohexyl ring to any extent, including, but not limited to:

(I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-



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yl)phenol).

(II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8) homologue).

(III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-methyloctan-2-yl)phenol).

g. Benzoylindoles and Benzoylindazoles.—Any compound containing a benzoylindole or benzoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

(I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).

(II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

(III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodo-5-nitrobenzoyl)indole).

(IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole).

(V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole).

(VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

(VII) RCS-4 C4 homologue (1-Butyl-3-(4-methoxybenzoyl)indole).

(VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-3-(4-methoxybenzoyl)indole).

h. Tetramethylcyclopropanoylindoles and Tetramethylcyclopropanoylindazoles.—Any compound containing a tetramethylcyclopropanoylindole or tetramethylcyclopropanoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the tetramethylcyclopropyl group



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to any extent, including, but not limited to:

(I) UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indazole).

(IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole carboxamides, and Adamantylindazole carboxamides.—Any compound containing an adamantoyl indole, adamantoyl indazole, adamantyl indole carboxamide, or adamantyl indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent, including, but not limited to:

(I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).



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(II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

(III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).

(IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-adamantoyl)indole).

(V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

(VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

(VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-adamantoyl)indole).

j. Quinolinyndolecarboxylates, Quinolinyndazolecarboxylates, Quinolinyndolecarboxamides, and Quinolinyndazolecarboxamides.—Any compound containing a quinolinyndole carboxylate, quinolinyndazole carboxylate, isoquinolinyndole carboxylate, isoquinolinyndazole carboxylate, quinolinyndole carboxamide, quinolinyndazole carboxamide, isoquinolinyndole carboxamide, or isoquinolinyndazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the quinoline or isoquinoline ring to any extent, including, but not limited to:

(I) PB-22 (8-Quinolinyndyl 1-pentylindole-3-carboxylate).

(II) Fluoro PB-22 (8-Quinolinyndyl 1-(fluoropentyl)indole-3-carboxylate).

(III) BB-22 (8-Quinolinyndyl 1-(cyclohexylmethyl)indole-3-carboxylate).

(IV) FUB-PB-22 (8-Quinolinyndyl 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) NPB-22 (8-Quinolinyndyl 1-pentylindazole-3-carboxylate).



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(VI) Fluoro NPB-22 (8-Quinoliny1 1-(fluoropentyl)indazole-3-carboxylate).

(VII) FUB-NPB-22 (8-Quinoliny1 1-(4-fluorobenzyl)indazole-3-carboxylate).

(VIII) THJ (8-Quinoliny1 1-pentylindazole-3-carboxamide).

(IX) Fluoro THJ (8-Quinoliny1 1-(fluoropentyl)indazole-3-carboxamide).

k. Naphthylindolecarboxylates and Naphthylindazolecarboxylates.—Any compound containing a naphthylindole carboxylate or naphthylindazole carboxylate structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) NM-2201 (1-Naphthaleny1 1-(5-fluoropentyl)indole-3-carboxylate).

(II) SDB-005 (1-Naphthaleny1 1-pentylindazole-3-carboxylate).

(III) Fluoro SDB-005 (1-Naphthaleny1 1-(fluoropentyl)indazole-3-carboxylate).

(IV) FDU-PB-22 (1-Naphthaleny1 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) 3-CAF (2-Naphthaleny1 1-(2-fluorophenyl)indazole-3-carboxylate).

1. Naphthylindole carboxamides and Naphthylindazole carboxamides.—Any compound containing a naphthylindole carboxamide or naphthylindazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:



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(I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).
(II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).
(III) Chloro-NNEI (N-Naphthalen-1-yl 1-(chloropentyl)indole-3-carboxamide).
(IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-carboxamide).
(V) Fluoro MN-18 (N-Naphthalen-1-yl 1-(fluoropentyl)indazole-3-carboxamide).
m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl indazole carboxamides, Alkylcarbonyl indole carboxylates, and Alkylcarbonyl indazole carboxylates.—Any compound containing an alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an indole carboxamide, indazole carboxamide, indole carboxylate, or indazole carboxylate, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the alkylcarbonyl group to any extent, including, but not limited to:
(I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindole-3-carboxamide).
(II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
(III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
(IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
(V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-



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1-(fluoropentyl)indazole-3-carboxamide).

(VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

(VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

(VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).

(XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

(XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

(XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indole-3-carboxamide).



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(XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide).

(XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

(XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

(XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—Any compound containing a N-(2-phenylpropan-2-yl) indole carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring of the cumyl group to any extent, including, but not limited to:

(I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-carboxamide).

(II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).

o. Other Synthetic Cannabinoids.—Any material, compound, mixture, or preparation that contains any quantity of a Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

(I) With or without modification or replacement of a carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage between either two core rings, or linkage between a core ring and group structure, with or without the addition of a carbon or replacement of a carbon;

(II) With or without replacement of a core ring or group structure, whether or not substituted on the ring or group



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structures to any extent; and

(III) Is a cannabinoid receptor agonist, unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration.

191. Substituted Cathinones.—Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations:

a. Any compound containing a 2-amino-1-phenyl-1-propanone structure;

b. Any compound containing a 2-amino-1-naphthyl-1-propanone structure; or

c. Any compound containing a 2-amino-1-thiophenyl-1-propanone structure,

whether or not the compound is further modified:

(I) With or without substitution on the ring system to any extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy, haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide substituents;

(II) With or without substitution at the 3-propanone position with an alkyl substituent or removal of the methyl group at the 3-propanone position;



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(III) With or without substitution at the 2-amino nitrogen atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system; or

(IV) With or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

- (A) Methcathinone.
- (B) Ethcathinone.
- (C) Methylone (3,4-Methylenedioxymethcathinone).
- (D) 2,3-Methylenedioxymethcathinone.
- (E) MDPV (3,4-Methylenedioxypyrovalerone).
- (F) Methymethcathinone.
- (G) Methoxymethcathinone.
- (H) Fluoromethcathinone.
- (I) Methylethcathinone.
- (J) Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).
- (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).
- (M) Naphyrone (Naphthylpyrovalerone).
- (N) Bromomethcathinone.
- (O) Buphedrone (alpha-Methylaminobutyrophenone).
- (P) Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).
- (Q) Dimethylcathinone.
- (R) Dimethylmethcathinone.
- (S) Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).
- (T) Pentedrone (alpha-Methylaminovalerophenone).
- (U) MDPPP (3,4-Methylenedioxy-alpha-



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pyrrolidinopropiophenone).
 (V) MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).
 (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
 (X) PPP (Pyrrolidinopropiophenone).
 (Y) PVP (Pyrrolidinovalerophenone) or
 (Pyrrolidinopentiophenone).
 (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
 (BB) F-MABP (Fluoromethylaminobutyrophenone).
 (CC) Me-EABP (Methylethylaminobutyrophenone).
 (DD) PBP (Pyrrolidinobutyrophenone).
 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
 (HH) Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
 (LL) 3,4-Methylenedioxy-N-acetylethcathinone.
 (MM) Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).
 (NN) Methyl-alpha-methylaminoheptanophenone.
 (OO) N-Ethyl-N-methylcathinone.
 (PP) PHP (Pyrrolidinohexanophenone).
 (QQ) PV8 (Pyrrolidinoheptanophenone).
 (RR) Chloromethcathinone.
 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.



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192. Substituted Phenethylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure, without a beta-keto group, and without a benzyl group attached to the amine group, whether or not the compound is further modified with or without substitution on the phenyl ring to any extent with alkyl, alkylthio, nitro, alkoxy, thio, halide, fused alkylenedioxy, fused furan, fused benzofuran, fused dihydrofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha or beta position by any alkyl substituent, with or without substitution at the nitrogen atom, and with or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

- a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- j. 2C-H (2,5-Dimethoxyphenethylamine).



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- k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- m. MDMA (3,4-Methylenedioxymethamphetamine).
- n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).
- o. MDA (3,4-Methylenedioxyamphetamine).
- p. 2,5-Dimethoxyamphetamine.
- q. Fluoroamphetamine.
- r. Fluoromethamphetamine.
- s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
- w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- y. PMA (4-Methoxyamphetamine).
- z. N-Ethylamphetamine.
- aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
- bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
- cc. PMMA (4-Methoxymethamphetamine).
- dd. N,N-Dimethylamphetamine.
- ee. 3,4,5-Trimethoxyamphetamine.
- ff. 4-APB (4-(2-Aminopropyl)benzofuran).
- gg. 5-APB (5-(2-Aminopropyl)benzofuran).
- hh. 6-APB (6-(2-Aminopropyl)benzofuran).
- ii. 7-APB (7-(2-Aminopropyl)benzofuran).
- jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).



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mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-dihydrobenzofuran),

which does not include phenethylamine, mescaline as described in subparagraph 20., substituted cathinones as described in subparagraph 191., N-Benzyl phenethylamine compounds as described in subparagraph 193., or methamphetamine as described in subparagraph (2)(c)5.

193. N-Benzyl Phenethylamine Compounds.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure without a beta-keto group, with substitution on the nitrogen atom of the amino group with a benzyl substituent, with or without substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio, alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the



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alpha position by any alkyl substituent, including, but not limited to:

a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-



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fluorobenzyl)]phenethylamine).

o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).

p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).

q. 25H-NBOH (2,5-Dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).

r. 25H-NBF (2,5-Dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine),

which does not include substituted cathinones as described in subparagraph 191.

194. Substituted Tryptamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a 2-(1H-indol-3-yl)ethanamine, for example tryptamine, structure with or without mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups, or by inclusion of the amino nitrogen atom in a cyclic structure, whether or not substituted at the alpha position with an alkyl group, whether or not substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, including, but not limited to:

a. Alpha-Ethyltryptamine.

b. Bufotenine.

c. DET (Diethyltryptamine).



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d. DMT (Dimethyltryptamine).
e. MET (N-Methyl-N-ethyltryptamine).
f. DALT (N,N-Diallyltryptamine).
g. EiPT (N-Ethyl-N-isopropyltryptamine).
h. MiPT (N-Methyl-N-isopropyltryptamine).
i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
j. 5-Hydroxy-N-methyltryptamine.
k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
m. Methyltryptamine.
n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
q. DiPT (N,N-Diisopropyltryptamine).
r. DPT (N,N-Dipropyltryptamine).
s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-isopropyltryptamine).
z. Methyl-alpha-ethyltryptamine.
aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),
which does not include tryptamine, psilocyn as described in
subparagraph 34., or psilocybin as described in subparagraph 33.
195. Substituted Phenylcyclohexylamines.—Unless



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specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a phenylcyclohexylamine structure, with or without any substitution on the phenyl ring, any substitution on the cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl or benzothiophenyl ring, with or without substitution on the amine with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in a cyclic structure, or any combination of the above, including, but not limited to:

- a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).
- b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog of phencyclidine).
- c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine analog of phencyclidine).
- d. PCPr (Phenylcyclohexylpropylamine).
- e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene analog of phencyclidine).
- f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
- g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
- h. Methoxetamine.
- i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
- j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
- k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
- l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
- m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
- n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
- o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).



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p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).
196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide.
197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide.
198. AH-7921, 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]-benzamide.
199. U47700, trans-3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide.
200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine, dihydrochloride.

==== D I R E C T O R Y C L A U S E A M E N D M E N T ====

And the directory clause is amended as follows:

Delete lines 24 - 26
and insert:

Section 1. Paragraph (c) of subsection (1) of section 893.03, Florida Statutes, is amended to read:

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

And the title is amended as follows:

Delete lines 5 - 11
and insert:
United States Food and Drug Administration for certain use; amending s. 893.13, F.S.; providing

By Senator Leek

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A bill to be entitled

An act relating to controlled substances; amending s. 893.03, F.S.; excepting from the Schedule I controlled substance xylazine drug products approved by the United States Food and Drug Administration labeled for and prescribed or dispensed by veterinarians; adding xylazine as a Schedule III controlled substance; excepting from the Schedule III controlled substance xylazine specified drug products approved by the United States Food and Drug Administration; defining the term "person"; amending s. 893.13, F.S.; providing criminal penalties and requiring a mandatory minimum term of imprisonment if a person sells, manufactures, or delivers or possesses with intent to sell, manufacture, or deliver xylazine; amending s. 893.135, F.S.; creating the offense of trafficking in xylazine; providing criminal penalties and requiring a mandatory minimum term of imprisonment and fines based on the quantity of the controlled substance involved in the offense; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) and paragraph (a) of subsection (3) of section 893.03, Florida Statutes, are amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV,

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

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and V are included by whatever official, common, usual, chemical, trade name, or class designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of their salts, isomers, including optical, positional, or geometric isomers, homologues, nitrogen-heterocyclic analogs, esters, ethers, and salts of isomers, homologues, nitrogen-heterocyclic analogs, esters, or ethers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation or class description:

1. Alpha-Ethyltryptamine.
2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-oxazoline).
3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
4. DOB (4-Bromo-2,5-dimethoxyamphetamine).

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- 59 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
 60 6. Bufotenine.
 61 7. Cannabis.
 62 8. Cathinone.
 63 9. DET (Diethyltryptamine).
 64 10. 2,5-Dimethoxyamphetamine.
 65 11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
 66 12. DMT (Dimethyltryptamine).
 67 13. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine
 68 analog of phencyclidine).
 69 14. JB-318 (N-Ethyl-3-piperidyl benzilate).
 70 15. N-Ethylamphetamine.
 71 16. Fenethylamine.
 72 17. 3,4-Methylenedioxy-N-hydroxyamphetamine.
 73 18. Ibogaine.
 74 19. LSD (Lysergic acid diethylamide).
 75 20. Mescaline.
 76 21. Methcathinone.
 77 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
 78 23. PMA (4-Methoxyamphetamine).
 79 24. PMMA (4-Methoxymethamphetamine).
 80 25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
 81 26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
 82 27. MDA (3,4-Methylenedioxyamphetamine).
 83 28. JB-336 (N-Methyl-3-piperidyl benzilate).
 84 29. N,N-Dimethylamphetamine.
 85 30. Parahexyl.
 86 31. Peyote.
 87 32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine

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- 88 analog of phencyclidine).
 89 33. Psilocybin.
 90 34. Psilocyn.
 91 35. *Salvia divinorum*, except for any drug product approved
 92 by the United States Food and Drug Administration which contains
 93 *Salvia divinorum* or its isomers, esters, ethers, salts, and
 94 salts of isomers, esters, and ethers, if the existence of such
 95 isomers, esters, ethers, and salts is possible within the
 96 specific chemical designation.
 97 36. Salvinorin A, except for any drug product approved by
 98 the United States Food and Drug Administration which contains
 99 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 100 isomers, esters, and ethers, if the existence of such isomers,
 101 esters, ethers, and salts is possible within the specific
 102 chemical designation.
 103 37. Xylazine, except for any drug product approved by the
 104 United States Food and Drug Administration which contains
 105 xylazine or a compounded form of xylazine labeled for veterinary
 106 use and prescribed or dispensed by a veterinarian licensed under
 107 chapter 474.
 108 38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)
 109 (Thiophene analog of phencyclidine).
 110 39. 3,4,5-Trimethoxyamphetamine.
 111 40. Methylone (3,4-Methylenedioxymethcathinone).
 112 41. MDPV (3,4-Methylenedioxypropylone).
 113 42. Methylmethcathinone.
 114 43. Methoxymethcathinone.
 115 44. Fluoromethcathinone.
 116 45. Methylethcathinone.

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117 46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
 118 yl)phenol) and its dimethyloctyl (C8) homologue.
 119 47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
 120 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
 121 48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
 122 49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
 123 50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
 124 naphthoyl)indole).
 125 51. BZP (Benzylpiperazine).
 126 52. Fluorophenylpiperazine.
 127 53. Methylphenylpiperazine.
 128 54. Chlorophenylpiperazine.
 129 55. Methoxyphenylpiperazine.
 130 56. DBZP (1,4-Dibenzylpiperazine).
 131 57. TFMPP (Trifluoromethylphenylpiperazine).
 132 58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
 133 Methylenedioxy-N-methylbutanamine).
 134 59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
 135 60. 5-Hydroxy-N-methyltryptamine.
 136 61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
 137 62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
 138 63. Methyltryptamine.
 139 64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
 140 65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
 141 66. Tyramine (4-Hydroxyphenethylamine).
 142 67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
 143 68. DiPT (N,N-Diisopropyltryptamine).
 144 69. DPT (N,N-Dipropyltryptamine).
 145 70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).

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146 71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
 147 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
 148 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
 149 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
 150 75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
 151 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
 152 77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
 153 78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
 154 79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
 155 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
 156 81. Butylone (3,4-Methylenedioxy-alpha-
 157 methylaminobutyrophenone).
 158 82. Ethcathinone.
 159 83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
 160 84. Naphyrone (Naphthylpyrovalerone).
 161 85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
 162 86. 3,4-Methylenedioxy-N,N-diethylcathinone.
 163 87. 3,4-Methylenedioxy-propiofenone.
 164 88. 3,4-Methylenedioxy-alpha-bromopropiofenone.
 165 89. 3,4-Methylenedioxy-propiofenone-2-oxime.
 166 90. 3,4-Methylenedioxy-N-acetylcathinone.
 167 91. 3,4-Methylenedioxy-N-acetylmethcathinone.
 168 92. 3,4-Methylenedioxy-N-acetylcathinone.
 169 93. Bromomethcathinone.
 170 94. Buphedrone (alpha-Methylamino-butyrophenone).
 171 95. Eutylone (3,4-Methylenedioxy-alpha-
 172 ethylaminobutyrophenone).
 173 96. Dimethylcathinone.
 174 97. Dimethylmethcathinone.

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175 98. Pentylone (3,4-Methylenedioxy-alpha-
 176 methylaminovalerophenone).
 177 99. MDPPP (3,4-Methylenedioxy-alpha-
 178 pyrrolidinopropiophenone).
 179 100. MDPBP (3,4-Methylenedioxy-alpha-
 180 pyrrolidinobutyrophenone).
 181 101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
 182 102. MPHP (Methyl-alpha-pyrrolidino~~hexan~~ophenone).
 183 103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
 184 (Benocyclidine).
 185 104. F-MABP (Fluoromethylaminobutyrophenone).
 186 105. MeO-PBP (Methoxypyrrolidinobutyrophenone).
 187 106. Et-PBP (Ethylpyrrolidinobutyrophenone).
 188 107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
 189 108. Me-EABP (Methylethylaminobutyrophenone).
 190 109. Etizolam.
 191 110. PPP (Pyrrolidinopropiophenone).
 192 111. PBP (Pyrrolidinobutyrophenone).
 193 112. PVP (Pyrrolidinovalerophenone) or
 194 (Pyrrolidinopentiophenone).
 195 113. MPPP (Methyl-alpha-pyrrolidinopropiophenone).
 196 114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
 197 115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
 198 116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
 199 117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
 200 118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
 201 119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
 202 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
 203 121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-

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204 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
 205 122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
 206 123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
 207 124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
 208 125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
 209 126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
 210 127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
 211 128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
 212 129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
 213 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 214 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 215 ol).
 216 131. HU-308 ([(1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-methyloctan-
 217 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
 218 methanol).
 219 132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-
 220 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
 221 1,4-dione).
 222 133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).
 223 134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 224 undecanamide).
 225 135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 226 undecanamide).
 227 136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-
 228 methyloctan-2-yl)phenol).
 229 137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
 230 138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).
 231 139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
 232 140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-

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233 methoxyphenylacetyl) indole).

234 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

235 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

236 naphthalenylmethanone).

237 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

238 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

239 naphthalenylmethanone).

240 143. Pentedrone (alpha-Methylaminovalerophenone).

241 144. Fluoroamphetamine.

242 145. Fluoromethamphetamine.

243 146. Methoxetamine.

244 147. Methiopropamine.

245 148. Methylbuphedrone (Methyl-alpha-

246 methylaminobutyrophenone).

247 149. APB ((2-Aminopropyl)benzofuran).

248 150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).

249 151. UR-144 (1-Pentyl-3-(2,2,3,3-

250 tetramethylcyclopropanoyl) indole).

251 152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-

252 tetramethylcyclopropanoyl) indole).

253 153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-

254 tetramethylcyclopropanoyl) indole).

255 154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

256 155. AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-

257 iodobenzoyl) indole).

258 156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl) indole-3-

259 carboxamide).

260 157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-

261 cyclohexylcarbamate).

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262 158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,

263 cyclohexyl ester).

264 159. URB-754 (6-Methyl-2-[(4-methylphenyl) amino]-1-

265 benzoxazin-4-one).

266 160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

267 161. 2C-H (2,5-Dimethoxyphenethylamine).

268 162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).

269 163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).

270 164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-

271 methoxybenzyl)]phenethylamine).

272 165. MDMA (3,4-Methylenedioxymethamphetamine).

273 166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).

274 167. Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl) indole-3-

275 carboxylate).

276 168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl) indole-3-

277 carboxylate).

278 169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl) indazole-

279 3-carboxamide).

280 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

281 pentylindazole-3-carboxamide).

282 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

283 (4-fluorobenzyl) indazole-3-carboxamide).

284 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-

285 1-pentylindazole-3-carboxamide).

286 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

287 yl)-1-(fluoropentyl) indole-3-carboxamide).

288 174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-

289 methoxybenzyl)]phenethylamine).

290 175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-

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methoxybenzyl)]phenethylamine).

176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

177. FUB-PB-22 (8-Quinoliny1 1-(4-fluorobenzyl)indole-3-carboxylate).

178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).

179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).

180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).

181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).

182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).

183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).

184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9-diol).

185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol).

186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).

187. MAPB ((2-Methylaminopropyl)benzofuran).

188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).

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190. Synthetic Cannabinoids.—Unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical class descriptions, or homologues, nitrogen-heterocyclic analogs, isomers (including optical, positional, or geometric), esters, ethers, salts, and salts of homologues, nitrogen-heterocyclic analogs, isomers, esters, or ethers, whenever the existence of such homologues, nitrogen-heterocyclic analogs, isomers, esters, ethers, salts, and salts of isomers, esters, or ethers is possible within the specific chemical class or designation. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or the compounds of these structures shall be included under this subparagraph, regardless of their specific numerical designation of atomic positions covered, if it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

a. Tetrahydrocannabinols.—Any tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, the synthetic equivalents of the substances contained in the plant or in the resinous extracts of the genus *Cannabis*, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, including, but not limited to, Delta 9 tetrahydrocannabinols and their optical isomers, Delta 8 tetrahydrocannabinols and their optical

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349 isomers, Delta 6a,10a tetrahydrocannabinols and their optical
 350 isomers, or any compound containing a tetrahydrobenzo[c]chromene
 351 structure with substitution at either or both the 3-position or
 352 9-position, with or without substitution at the 1-position with
 353 hydroxyl or alkoxy groups, including, but not limited to:

354 (I) Tetrahydrocannabinol.

355 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 356 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 357 ol).

358 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 359 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 360 ol).

361 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 362 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

363 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-
 364 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

365 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-
 366 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

367 (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-
 368 dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

369 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-
 370 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

371 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-
 372 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

373 (X) Parahexyl.

374 b. Naphthoylindoles, Naphthoylindazoles,
 375 Naphthoylcarbazoles, Naphthylmethylindoles,
 376 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.-Any
 377 compound containing a naphthoylindole, naphthoylindazole,

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378 naphthoylcarbazole, naphthylmethylindole,
 379 naphthylmethylindazole, or naphthylmethylcarbazole structure,
 380 with or without substitution on the indole, indazole, or
 381 carbazole ring to any extent, whether or not substituted on the
 382 naphthyl ring to any extent, including, but not limited to:

383 (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).

384 (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-
 385 naphthoyl)indole).

386 (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).

387 (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).

388 (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

389 (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).

390 (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).

391 (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).

392 (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).

393 (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).

394 (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).

395 (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).

396 (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).

397 (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-
 398 naphthoyl)indole).

399 (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).

400 (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

401 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-
 402 naphthoyl)indole).

403 (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl)indole).

404 (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).

405 (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).

406 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).

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407 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-
 408 naphthylmethyl]indole).
 409 (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-
 410 naphthoyl)indole).
 411 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-
 412 naphthoyl)indole).
 413 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
 414 naphthoyl)indole).
 415 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
 416 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).
 417 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
 418 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).
 419 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).
 420 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-
 421 naphthoyl)indole).
 422 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-
 423 naphthoyl)indole).
 424 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-
 425 naphthoyl)indole).
 426 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-
 427 naphthoyl)indole).
 428 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-
 429 naphthoyl)indole).
 430 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).
 431 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-
 432 naphthoyl)indazole).
 433 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-
 434 naphthoyl)indole).
 435 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-

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436 naphthoyl)indole).
 437 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
 438 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-
 439 naphthoyl)carbazole).
 440 c. Naphthoylpyrroles.—Any compound containing a
 441 naphthoylpyrrole structure, with or without substitution on the
 442 pyrrole ring to any extent, whether or not substituted on the
 443 naphthyl ring to any extent, including, but not limited to:
 444 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
 445 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).
 446 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).
 447 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).
 448 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).
 449 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-
 450 naphthoyl)pyrrole).
 451 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-
 452 naphthoyl)pyrrole).
 453 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-
 454 naphthoyl)pyrrole).
 455 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-
 456 naphthoyl)pyrrole).
 457 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-
 458 naphthoyl)pyrrole).
 459 d. Naphthylmethylenindenes.—Any compound containing a
 460 naphthylmethylenindene structure, with or without substitution
 461 at the 3-position of the indene ring to any extent, whether or
 462 not substituted on the naphthyl ring to any extent, including,
 463 but not limited to, JWH-176 (3-Pentyl-1-
 464 (naphthylmethyle)indene).

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465 e. Phenylacetylindoles and Phenylacetylindazoles.—Any
 466 compound containing a phenylacetylindole or phenylacetylindazole
 467 structure, with or without substitution on the indole or
 468 indazole ring to any extent, whether or not substituted on the
 469 phenyl ring to any extent, including, but not limited to:

470 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
 471 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
 472 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
 473 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
 474 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
 475 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
 476 (VII) Cannabipiperidiethanone.
 477 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-
 478 methoxyphenylacetyl)indole).

479 f. Cyclohexylphenols.—Any compound containing a
 480 cyclohexylphenol structure, with or without substitution at the
 481 5-position of the phenolic ring to any extent, whether or not
 482 substituted on the cyclohexyl ring to any extent, including, but
 483 not limited to:

484 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
 485 yl)phenol).
 486 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)
 487 homologue).
 488 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-
 489 methyloctan-2-yl)phenol).

490 g. Benzoylindoles and Benzoylindazoles.—Any compound
 491 containing a benzoylindole or benzoylindazole structure, with or
 492 without substitution on the indole or indazole ring to any
 493 extent, whether or not substituted on the phenyl ring to any

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494 extent, including, but not limited to:

495 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).
 496 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
 497 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
 498 iodo-5-nitrobenzoyl)indole).
 499 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-
 500 methoxybenzoyl)indole).
 501 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-
 502 iodobenzoyl)indole).
 503 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
 504 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-
 505 methoxybenzoyl)indole).
 506 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-
 507 3-(4-methoxybenzoyl)indole).

508 h. Tetramethylcyclopropanoylindoles and
 509 Tetramethylcyclopropanoylindazoles.—Any compound containing a
 510 tetramethylcyclopropanoylindole or
 511 tetramethylcyclopropanoylindazole structure, with or without
 512 substitution on the indole or indazole ring to any extent,
 513 whether or not substituted on the tetramethylcyclopropyl group
 514 to any extent, including, but not limited to:

515 (I) UR-144 (1-Pentyl-3-(2,2,3,3-
 516 tetramethylcyclopropanoyl)indole).
 517 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-
 518 tetramethylcyclopropanoyl)indole).
 519 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-
 520 tetramethylcyclopropanoyl)indole).
 521 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-
 522 tetramethylcyclopropanoyl)indole).

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523 (V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-
 524 tetramethylcyclopropanoyl)indole).
 525 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-
 526 tetramethylcyclopropanoyl)indole).
 527 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-
 528 tetramethylcyclopropanoyl)indole).
 529 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-
 530 tetramethylcyclopropanoyl)indazole).
 531 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-
 532 tetramethylcyclopropanoyl)indole).
 533 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-
 534 tetramethylcyclopropanoyl)indole).
 535 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole
 536 carboxamides, and Adamantylindazole carboxamides.—Any compound
 537 containing an adamantoyl indole, adamantoyl indazole, adamantyl
 538 indole carboxamide, or adamantyl indazole carboxamide structure,
 539 with or without substitution on the indole or indazole ring to
 540 any extent, whether or not substituted on the adamantyl ring to
 541 any extent, including, but not limited to:
 542 (I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
 543 (II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-
 544 3-carboxamide).
 545 (III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-
 546 carboxamide).
 547 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-
 548 adamantoyl)indole).
 549 (V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).
 550 (VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).
 551 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-

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552 adamantoyl)indole).
 553 j. Quinoliny lindolecarboxylates,
 554 Quinoliny lindazolecarboxylates, Quinoliny lindolecarboxamides,
 555 and Quinoliny lindazolecarboxamides.—Any compound containing a
 556 quinoliny lindole carboxylate, quinoliny lindazole carboxylate,
 557 isoquinoliny lindole carboxylate, isoquinoliny lindazole
 558 carboxylate, quinoliny lindole carboxamide, quinoliny lindazole
 559 carboxamide, isoquinoliny lindole carboxamide, or
 560 isoquinoliny lindazole carboxamide structure, with or without
 561 substitution on the indole or indazole ring to any extent,
 562 whether or not substituted on the quinoline or isoquinoline ring
 563 to any extent, including, but not limited to:
 564 (I) PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).
 565 (II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-
 566 carboxylate).
 567 (III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-
 568 carboxylate).
 569 (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-
 570 carboxylate).
 571 (V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).
 572 (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-
 573 3-carboxylate).
 574 (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-
 575 3-carboxylate).
 576 (VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).
 577 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-
 578 carboxamide).
 579 k. Naphthylindolecarboxylates and
 580 Naphthylindazolecarboxylates.—Any compound containing a

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581 naphthylindole carboxylate or naphthylindazole carboxylate
 582 structure, with or without substitution on the indole or
 583 indazole ring to any extent, whether or not substituted on the
 584 naphthyl ring to any extent, including, but not limited to:
 585 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-
 586 carboxylate).
 587 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-
 588 carboxylate).
 589 (III) Fluoro SDB-005 (1-Naphthalenyl 1-
 590 (fluoropentyl)indazole-3-carboxylate).
 591 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-
 592 carboxylate).
 593 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-
 594 carboxylate).
 595 1. Naphthylindole carboxamides and Naphthylindazole
 596 carboxamides.—Any compound containing a naphthylindole
 597 carboxamide or naphthylindazole carboxamide structure, with or
 598 without substitution on the indole or indazole ring to any
 599 extent, whether or not substituted on the naphthyl ring to any
 600 extent, including, but not limited to:
 601 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).
 602 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-
 603 3-carboxamide).
 604 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-
 605 (chloropentyl)indole-3-carboxamide).
 606 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-
 607 carboxamide).
 608 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-
 609 (fluoropentyl)indazole-3-carboxamide).

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610 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl
 611 indazole carboxamides, Alkylcarbonyl indole carboxylates, and
 612 Alkylcarbonyl indazole carboxylates.—Any compound containing an
 613 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,
 614 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-
 615 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an
 616 indole carboxamide, indazole carboxamide, indole carboxylate, or
 617 indazole carboxylate, with or without substitution on the indole
 618 or indazole ring to any extent, whether or not substituted on
 619 the alkylcarbonyl group to any extent, including, but not
 620 limited to:
 621 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
 622 pentylindole-3-carboxamide).
 623 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
 624 yl)-1-(fluoropentyl)indole-3-carboxamide).
 625 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
 626 (fluoropentyl)indole-3-carboxamide).
 627 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
 628 pentylindazole-3-carboxamide).
 629 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-
 630 1-(fluoropentyl)indazole-3-carboxamide).
 631 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
 632 1-pentylindazole-3-carboxamide).
 633 (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-
 634 oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
 635 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
 636 (4-fluorobenzyl)indazole-3-carboxamide).
 637 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
 638 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

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639 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
 640 (cyclohexylmethyl)indazole-3-carboxamide).
 641 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
 642 (cyclohexylmethyl)indazole-3-carboxamide).
 643 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
 644 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
 645 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
 646 pentyindazole-3-carboxamide).
 647 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-
 648 (fluoropentyl)indazole-3-carboxamide).
 649 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-
 650 fluorobenzyl)indazole-3-carboxamide).
 651 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
 652 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
 653 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
 654 2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
 655 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
 656 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).
 657 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-
 658 fluoropentyl)indole-3-carboxamide).
 659 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-
 660 fluoropentyl)indazole-3-carboxamide).
 661 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-
 662 (cyclohexylmethyl)indazole-3-carboxamide).
 663 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-
 664 fluorobenzyl)indazole-3-carboxamide).
 665 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-
 666 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).
 667 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.-

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668 Any compound containing a N-(2-phenylpropan-2-yl) indole
 669 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide
 670 structure, with or without substitution on the indole or
 671 indazole ring to any extent, whether or not substituted on the
 672 phenyl ring of the cumyl group to any extent, including, but not
 673 limited to:
 674 (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-
 675 carboxamide).
 676 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-
 677 (fluoropentyl)indole-3-carboxamide).
 678 o. Other Synthetic Cannabinoids.-Any material, compound,
 679 mixture, or preparation that contains any quantity of a
 680 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:
 681 (I) With or without modification or replacement of a
 682 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage
 683 between either two core rings, or linkage between a core ring
 684 and group structure, with or without the addition of a carbon or
 685 replacement of a carbon;
 686 (II) With or without replacement of a core ring or group
 687 structure, whether or not substituted on the ring or group
 688 structures to any extent; and
 689 (III) Is a cannabinoid receptor agonist, unless
 690 specifically excepted or unless listed in another schedule or
 691 contained within a pharmaceutical product approved by the United
 692 States Food and Drug Administration.
 693 191. Substituted Cathinones.-Unless specifically excepted,
 694 listed in another schedule, or contained within a pharmaceutical
 695 product approved by the United States Food and Drug
 696 Administration, any material, compound, mixture, or preparation,

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including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations:

a. Any compound containing a 2-amino-1-phenyl-1-propanone structure;

b. Any compound containing a 2-amino-1-naphthyl-1-propanone structure; or

c. Any compound containing a 2-amino-1-thiophenyl-1-propanone structure,

whether or not the compound is further modified:

(I) With or without substitution on the ring system to any extent with alkyl, alkylthio, thio, fused alkylenedioxy, alkoxy, haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide substituents;

(II) With or without substitution at the 3-propanone position with an alkyl substituent or removal of the methyl group at the 3-propanone position;

(III) With or without substitution at the 2-amino nitrogen atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system; or

(IV) With or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

(A) Methcathinone.

(B) Ethcathinone.

(C) Methylone (3,4-Methylenedioxymethcathinone).

(D) 2,3-Methylenedioxymethcathinone.

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(E) MDPV (3,4-Methylenedioxypyrovalerone).

(F) Methylmethcathinone.

(G) Methoxymethcathinone.

(H) Fluoromethcathinone.

(I) Methylethcathinone.

(J) Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).

(K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).

(L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).

(M) Naphyrone (Naphthylpyrovalerone).

(N) Bromomethcathinone.

(O) Buphedrone (alpha-Methylaminobutyrophenone).

(P) Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).

(Q) Dimethylcathinone.

(R) Dimethylmethcathinone.

(S) Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).

(T) Pentedrone (alpha-Methylaminovalerophenone).

(U) MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).

(V) MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).

(W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).

(X) PPP (Pyrrolidinopropiophenone).

(Y) PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).

(Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).

(AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).

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755 (BB) F-MABP (Fluoromethylaminobutyrophenone).
 756 (CC) Me-EABP (Methylethylaminobutyrophenone).
 757 (DD) PBP (Pyrrolidinobutyrophenone).
 758 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
 759 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
 760 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
 761 (HH) Dimethylone (3,4-Methylenedioxy-N,N-
 762 dimethylcathinone).
 763 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
 764 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
 765 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
 766 (LL) 3,4-Methylenedioxy-N-acetylcathinone.
 767 (MM) Methylbuphedrone (Methyl-alpha-
 768 methylaminobutyrophenone).
 769 (NN) Methyl-alpha-methylaminohexanophenone.
 770 (OO) N-Ethyl-N-methylcathinone.
 771 (PP) PHP (Pyrrolidinoheptanophenone).
 772 (QQ) PV8 (Pyrrolidinoheptanophenone).
 773 (RR) Chloromethcathinone.
 774 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.
 775 192. Substituted Phenethylamines.—Unless specifically
 776 excepted or unless listed in another schedule, or contained
 777 within a pharmaceutical product approved by the United States
 778 Food and Drug Administration, any material, compound, mixture,
 779 or preparation, including its salts, isomers, esters, or ethers,
 780 and salts of isomers, esters, or ethers, whenever the existence
 781 of such salts is possible within any of the following specific
 782 chemical designations, any compound containing a phenethylamine
 783 structure, without a beta-keto group, and without a benzyl group

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784 attached to the amine group, whether or not the compound is
 785 further modified with or without substitution on the phenyl ring
 786 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,
 787 halide, fused alkylenedioxy, fused furan, fused benzofuran,
 788 fused dihydrofuran, or fused tetrahydropyran substituents,
 789 whether or not further substituted on a ring to any extent, with
 790 or without substitution at the alpha or beta position by any
 791 alkyl substituent, with or without substitution at the nitrogen
 792 atom, and with or without inclusion of the 2-amino nitrogen atom
 793 in a cyclic structure, including, but not limited to:
 794 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
 795 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
 796 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
 797 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
 798 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
 799 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
 800 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
 801 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
 802 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
 803 j. 2C-H (2,5-Dimethoxyphenethylamine).
 804 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
 805 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
 806 m. MDMA (3,4-Methylenedioxymethamphetamine).
 807 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
 808 Methylenedioxy-N-methylbutanamine).
 809 o. MDA (3,4-Methylenedioxyamphetamine).
 810 p. 2,5-Dimethoxyamphetamine.
 811 q. Fluoroamphetamine.
 812 r. Fluoromethamphetamine.

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813 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
 814 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
 815 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
 816 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
 817 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
 818 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
 819 y. PMA (4-Methoxyamphetamine).
 820 z. N-Ethylamphetamine.
 821 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
 822 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
 823 cc. PMMA (4-Methoxymethamphetamine).
 824 dd. N,N-Dimethylamphetamine.
 825 ee. 3,4,5-Trimethoxyamphetamine.
 826 ff. 4-APB (4-(2-Aminopropyl)benzofuran).
 827 gg. 5-APB (5-(2-Aminopropyl)benzofuran).
 828 hh. 6-APB (6-(2-Aminopropyl)benzofuran).
 829 ii. 7-APB (7-(2-Aminopropyl)benzofuran).
 830 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 831 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 832 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 833 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
 834 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
 835 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
 836 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
 837 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
 838 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
 839 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-
 840 dihydrobenzofuran),
 841

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842 which does not include phenethylamine, mescaline as described in
 843 subparagraph 20., substituted cathinones as described in
 844 subparagraph 191., N-Benzyl phenethylamine compounds as
 845 described in subparagraph 193., or methamphetamine as described
 846 in subparagraph (2)(c)5.

847 193. N-Benzyl Phenethylamine Compounds.—Unless specifically
 848 excepted or unless listed in another schedule, or contained
 849 within a pharmaceutical product approved by the United States
 850 Food and Drug Administration, any material, compound, mixture,
 851 or preparation, including its salts, isomers, esters, or ethers,
 852 and salts of isomers, esters, or ethers, whenever the existence
 853 of such salts is possible within any of the following specific
 854 chemical designations, any compound containing a phenethylamine
 855 structure without a beta-keto group, with substitution on the
 856 nitrogen atom of the amino group with a benzyl substituent, with
 857 or without substitution on the phenyl or benzyl ring to any
 858 extent with alkyl, alkoxy, thio, alkylthio, halide, fused
 859 alkylenedioxy, fused furan, fused benzofuran, or fused
 860 tetrahydropyran substituents, whether or not further substituted
 861 on a ring to any extent, with or without substitution at the
 862 alpha position by any alkyl substituent, including, but not
 863 limited to:

- 864 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-
 865 methoxybenzyl)]phenethylamine).
 866 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-
 867 hydroxybenzyl)]phenethylamine).
 868 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-
 869 fluorobenzyl)]phenethylamine).
 870 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-

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871 methylenedioxybenzyl)]phenethylamine).

872 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-

873 methoxybenzyl)]phenethylamine).

874 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-

875 hydroxybenzyl)]phenethylamine).

876 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-

877 fluorobenzyl)]phenethylamine).

878 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-

879 methylenedioxybenzyl)]phenethylamine).

880 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-

881 methoxybenzyl)]phenethylamine).

882 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-

883 methoxybenzyl)]phenethylamine).

884 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-

885 methoxybenzyl)]phenethylamine).

886 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-

887 methoxybenzyl)]phenethylamine).

888 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-

889 hydroxybenzyl)]phenethylamine).

890 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-

891 fluorobenzyl)]phenethylamine).

892 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-

893 methylenedioxybenzyl)]phenethylamine).

894 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-

895 methoxybenzyl)]phenethylamine).

896 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-

897 hydroxybenzyl)]phenethylamine).

898 r. 25H-NBF (2,5-Dimethoxy-[N-(2-

899 fluorobenzyl)]phenethylamine).

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900 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-

901 methoxybenzyl)]phenethylamine),

902

903 which does not include substituted cathinones as described in

904 subparagraph 191.

905 194. Substituted Tryptamines.—Unless specifically excepted

906 or unless listed in another schedule, or contained within a

907 pharmaceutical product approved by the United States Food and

908 Drug Administration, any material, compound, mixture, or

909 preparation containing a 2-(1H-indol-3-yl)ethanamine, for

910 example tryptamine, structure with or without mono- or di-

911 substitution of the amine nitrogen with alkyl or alkenyl groups,

912 or by inclusion of the amino nitrogen atom in a cyclic

913 structure, whether or not substituted at the alpha position with

914 an alkyl group, whether or not substituted on the indole ring to

915 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy

916 groups, including, but not limited to:

917 a. Alpha-Ethyltryptamine.

918 b. Bufotenine.

919 c. DET (Diethyltryptamine).

920 d. DMT (Dimethyltryptamine).

921 e. MET (N-Methyl-N-ethyltryptamine).

922 f. DALT (N,N-Diallyltryptamine).

923 g. EiPT (N-Ethyl-N-isopropyltryptamine).

924 h. MiPT (N-Methyl-N-isopropyltryptamine).

925 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).

926 j. 5-Hydroxy-N-methyltryptamine.

927 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).

928 l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).

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929 m. Methyltryptamine.
 930 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
 931 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
 932 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
 933 q. DiPT (N,N-Diisopropyltryptamine).
 934 r. DPT (N,N-Dipropyltryptamine).
 935 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
 936 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
 937 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
 938 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
 939 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
 940 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
 941 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-
 942 isopropyltryptamine).
 943 z. Methyl-alpha-ethyltryptamine.
 944 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),
 945
 946 which does not include tryptamine, psilocyn as described in
 947 subparagraph 34., or psilocybin as described in subparagraph 33.
 948 195. Substituted Phenylcyclohexylamines.—Unless
 949 specifically excepted or unless listed in another schedule, or
 950 contained within a pharmaceutical product approved by the United
 951 States Food and Drug Administration, any material, compound,
 952 mixture, or preparation containing a phenylcyclohexylamine
 953 structure, with or without any substitution on the phenyl ring,
 954 any substitution on the cyclohexyl ring, any replacement of the
 955 phenyl ring with a thiophenyl or benzothiophenyl ring, with or
 956 without substitution on the amine with alkyl, dialkyl, or alkoxy
 957 substituents, inclusion of the nitrogen in a cyclic structure,

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958 or any combination of the above, including, but not limited to:
 959 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP
 960 (Benocyclidine).
 961 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog
 962 of phencyclidine).
 963 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine
 964 analog of phencyclidine).
 965 d. PCPr (Phenylcyclohexylpropylamine).
 966 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene
 967 analog of phencyclidine).
 968 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).
 969 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).
 970 h. Methoxetamine.
 971 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).
 972 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).
 973 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).
 974 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).
 975 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).
 976 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).
 977 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).
 978 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).
 979 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).
 980 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).
 981 196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-
 982 piperidinylidene]-benzenesulfonamide.
 983 197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-
 984 piperidinylidene]-benzenesulfonamide.
 985 198. AH-7921, 3,4-dichloro-N-[[1-
 986 (dimethylamino)cyclohexyl]methyl]-benzamide.

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- 987 199. U47700, trans-3,4-dichloro-N-[2-
 988 (dimethylamino)cyclohexyl]-N-methyl-benzamide.
 989 200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine,
 990 dihydrochloride.
 991 (3) SCHEDULE III.—A substance in Schedule III has a
 992 potential for abuse less than the substances contained in
 993 Schedules I and II and has a currently accepted medical use in
 994 treatment in the United States, and abuse of the substance may
 995 lead to moderate or low physical dependence or high
 996 psychological dependence or, in the case of anabolic steroids,
 997 may lead to physical damage. The following substances are
 998 controlled in Schedule III:
 999 (a) Unless specifically excepted or unless listed in
 1000 another schedule, any material, compound, mixture, or
 1001 preparation which contains any quantity of the following
 1002 substances having a depressant or stimulant effect on the
 1003 nervous system:
 1004 1. Any substance which contains any quantity of a
 1005 derivative of barbituric acid, including thiobarbituric acid, or
 1006 any salt of a derivative of barbituric acid or thiobarbituric
 1007 acid, including, but not limited to, butabarbital and
 1008 butalbital.
 1009 2. Benzphetamine.
 1010 3. Buprenorphine.
 1011 4. Chlorhexadol.
 1012 5. Chlorphentermine.
 1013 6. Clortermine.
 1014 7. Embutramide.
 1015 8. Lysergic acid.

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- 1016 9. Lysergic acid amide.
 1017 10. Methypylon.
 1018 11. Perampanel.
 1019 12. Phendimetrazine.
 1020 13. Sulfondiethylmethane.
 1021 14. Sulfonethylmethane.
 1022 15. Sulfonmethane.
 1023 16. Tiletamine and zolazepam or any salt thereof.
 1024 17. Xylazine, except for any drug product approved by the
 1025 United States Food and Drug Administration which contains
 1026 xylazine or a compounded form of xylazine labeled for veterinary
 1027 use, which product is prescribed or dispensed by a veterinarian
 1028 licensed under chapter 474 or labeled and dispensed by a
 1029 veterinarian licensed under chapter 474 or a pharmacy registered
 1030 in this state pursuant to a prescription from a veterinarian
 1031 licensed under chapter 474 who possesses xylazine for:
 1032 a. An animal owned by or under a veterinarian's care. As
 1033 used in this sub-subparagraph, the term "veterinarian" includes
 1034 a government agency or business where animals are located, and
 1035 an employee or agent of an agency or business acting within the
 1036 scope of their employment or agency.
 1037 b. Use in governmental animal-control programs authorized
 1038 under applicable federal, state, local, or tribal law.
 1039 c. Use in wildlife programs authorized under applicable
 1040 federal, state, local, or tribal law.
 1041 Section 2. Paragraph (i) of subsection (1) of section
 1042 893.13, Florida Statutes, is amended to read:
 1043 893.13 Prohibited acts; penalties.—
 1044 (1)

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(i) Except as authorized by this chapter, a person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 3 years, if:

1. The person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver, any of the following:

- a. Alfentanil, as described in s. 893.03(2)(b)1.;
- b. Carfentanil, as described in s. 893.03(2)(b)6.;
- c. Fentanyl, as described in s. 893.03(2)(b)9.;
- d. Sufentanil, as described in s. 893.03(2)(b)30.;
- e. A fentanyl derivative, as described in s.

893.03(1)(a)63.;

f. Xylazine, as described in s. 893.03(1)(c)37.;

g. A controlled substance analog, as described in s.

893.0356, of any substance described in sub-subparagraphs a.-f.
~~sub-subparagraphs a.-e.~~; or

~~h.-g.~~ A mixture containing any substance described in sub-
subparagraphs a.-g. ~~sub-subparagraphs a.-f.~~; and

2. The substance or mixture listed in subparagraph 1. is in a form that resembles, or is mixed, granulated, absorbed, spray-dried, or aerosolized as or onto, coated on, in whole or in part, or solubilized with or into, a product, when such product or its packaging further has at least one of the following attributes:

a. Resembles the trade dress of a branded food product, consumer food product, or logo food product;

b. Incorporates an actual or fake registered copyright, service mark, or trademark;

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c. Resembles candy, cereal, a gummy, a vitamin, or a chewable product, such as a gum or gelatin-based product; or

d. Contains a cartoon character imprint.

Section 3. Paragraph (c) of subsection (1) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(c)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of

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1103 imprisonment of 25 years and shall be ordered to pay a fine of
1104 \$500,000.

1105 2. A person who knowingly sells, purchases, manufactures,
1106 delivers, or brings into this state, or who is knowingly in
1107 actual or constructive possession of, 28 grams or more of
1108 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
1109 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
1110 grams or more of any mixture containing any such substance,
1111 commits a felony of the first degree, which felony shall be
1112 known as "trafficking in hydrocodone," punishable as provided in
1113 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1114 a. Is 28 grams or more, but less than 50 grams, such person
1115 shall be sentenced to a mandatory minimum term of imprisonment
1116 of 3 years and shall be ordered to pay a fine of \$50,000.

1117 b. Is 50 grams or more, but less than 100 grams, such
1118 person shall be sentenced to a mandatory minimum term of
1119 imprisonment of 7 years and shall be ordered to pay a fine of
1120 \$100,000.

1121 c. Is 100 grams or more, but less than 300 grams, such
1122 person shall be sentenced to a mandatory minimum term of
1123 imprisonment of 15 years and shall be ordered to pay a fine of
1124 \$500,000.

1125 d. Is 300 grams or more, but less than 30 kilograms, such
1126 person shall be sentenced to a mandatory minimum term of
1127 imprisonment of 25 years and shall be ordered to pay a fine of
1128 \$750,000.

1129 3. A person who knowingly sells, purchases, manufactures,
1130 delivers, or brings into this state, or who is knowingly in
1131 actual or constructive possession of, 7 grams or more of

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1132 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
1133 thereof, or 7 grams or more of any mixture containing any such
1134 substance, commits a felony of the first degree, which felony
1135 shall be known as "trafficking in oxycodone," punishable as
1136 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1137 quantity involved:

1138 a. Is 7 grams or more, but less than 14 grams, such person
1139 shall be sentenced to a mandatory minimum term of imprisonment
1140 of 3 years and shall be ordered to pay a fine of \$50,000.

1141 b. Is 14 grams or more, but less than 25 grams, such person
1142 shall be sentenced to a mandatory minimum term of imprisonment
1143 of 7 years and shall be ordered to pay a fine of \$100,000.

1144 c. Is 25 grams or more, but less than 100 grams, such
1145 person shall be sentenced to a mandatory minimum term of
1146 imprisonment of 15 years and shall be ordered to pay a fine of
1147 \$500,000.

1148 d. Is 100 grams or more, but less than 30 kilograms, such
1149 person shall be sentenced to a mandatory minimum term of
1150 imprisonment of 25 years and shall be ordered to pay a fine of
1151 \$750,000.

1152 4.a. A person who knowingly sells, purchases, manufactures,
1153 delivers, or brings into this state, or who is knowingly in
1154 actual or constructive possession of, 4 grams or more of:

1155 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1156 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1157 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1158 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1159 (V) A fentanyl derivative, as described in s.

1160 893.03(1)(a)63.;

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1161 (VI) A controlled substance analog, as described in s.
 1162 893.0356, of any substance described in sub-sub-subparagraphs
 1163 (I)-(V); or
 1164 (VII) A mixture containing any substance described in sub-
 1165 sub-subparagraphs (I)-(VI),
 1166
 1167 commits a felony of the first degree, which felony shall be
 1168 known as "trafficking in dangerous fentanyl or fentanyl
 1169 analogues," punishable as provided in s. 775.082, s. 775.083, or
 1170 s. 775.084.
 1171 b. If the quantity involved under sub-subparagraph a.:
 1172 (I) Is 4 grams or more, but less than 14 grams, such person
 1173 shall be sentenced to a mandatory minimum term of imprisonment
 1174 of 7 years~~7~~ and shall be ordered to pay a fine of \$50,000.
 1175 (II) Is 14 grams or more, but less than 28 grams, such
 1176 person shall be sentenced to a mandatory minimum term of
 1177 imprisonment of 20 years~~7~~ and shall be ordered to pay a fine of
 1178 \$100,000.
 1179 (III) Is 28 grams or more, such person shall be sentenced
 1180 to a mandatory minimum term of imprisonment of 25 years~~7~~ and
 1181 shall be ordered to pay a fine of \$500,000.
 1182 c. A person 18 years of age or older who violates sub-
 1183 subparagraph a. by knowingly selling or delivering to a minor at
 1184 least 4 grams of a substance or mixture listed in sub-
 1185 subparagraph a. shall be sentenced to a mandatory minimum term
 1186 of not less than 25 years and not exceeding life imprisonment,
 1187 and shall be ordered to pay a fine of \$1 million if the
 1188 substance or mixture listed in sub-subparagraph a. is in a form
 1189 that resembles, or is mixed, granulated, absorbed, spray-dried,

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1190 or aerosolized as or onto, coated on, in whole or in part, or
 1191 solubilized with or into, a product, when such product or its
 1192 packaging further has at least one of the following attributes:
 1193 (I) Resembles the trade dress of a branded food product,
 1194 consumer food product, or logo food product;
 1195 (II) Incorporates an actual or fake registered copyright,
 1196 service mark, or trademark;
 1197 (III) Resembles candy, cereal, a gummy, a vitamin, or a
 1198 chewable product, such as a gum or gelatin-based product; or
 1199 (IV) Contains a cartoon character imprint.
 1200 5. A person who knowingly sells, purchases, manufactures,
 1201 delivers, or brings into this state, or who is knowingly in
 1202 actual or constructive possession of, 30 kilograms or more of
 1203 any morphine, opium, oxycodone, hydrocodone, codeine,
 1204 hydromorphone, or any salt, derivative, isomer, or salt of an
 1205 isomer thereof, including heroin, as described in s.
 1206 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 1207 more of any mixture containing any such substance, commits the
 1208 first degree felony of trafficking in illegal drugs. A person
 1209 who has been convicted of the first degree felony of trafficking
 1210 in illegal drugs under this subparagraph shall be punished by
 1211 life imprisonment and is ineligible for any form of
 1212 discretionary early release except pardon or executive clemency
 1213 or conditional medical release under s. 947.149. However, if the
 1214 court determines that, in addition to committing any act
 1215 specified in this paragraph:
 1216 a. The person intentionally killed an individual or
 1217 counseled, commanded, induced, procured, or caused the
 1218 intentional killing of an individual and such killing was the

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1219 result; or

1220 b. The person's conduct in committing that act led to a
 1221 natural, though not inevitable, lethal result,

1222

1223 such person commits the capital felony of trafficking in illegal
 1224 drugs, punishable as provided in ss. 775.082 and 921.142. A
 1225 person sentenced for a capital felony under this paragraph shall
 1226 also be sentenced to pay the maximum fine provided under
 1227 subparagraph 1.

1228 6. A person who knowingly brings into this state 60
 1229 kilograms or more of any morphine, opium, oxycodone,
 1230 hydrocodone, codeine, hydromorphone, or any salt, derivative,
 1231 isomer, or salt of an isomer thereof, including heroin, as
 1232 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
 1233 60 kilograms or more of any mixture containing any such
 1234 substance, and who knows that the probable result of such
 1235 importation would be the death of a person, commits capital
 1236 importation of illegal drugs, a capital felony punishable as
 1237 provided in ss. 775.082 and 921.142. A person sentenced for a
 1238 capital felony under this paragraph shall also be sentenced to
 1239 pay the maximum fine provided under subparagraph 1.

1240 7. A person who knowingly sells, purchases, manufactures,
 1241 delivers, or brings into this state, or who is knowingly in
 1242 actual or constructive possession of, 4 grams or more of
 1243 xylazine, as described in s. 893.03(1)(c)37., or any salt
 1244 thereof, or 4 grams or more of any mixture containing any such
 1245 substance, commits a felony of the first degree, which felony
 1246 shall be known as "trafficking in xylazine," punishable as
 1247 provided in s. 775.082, s. 775.083, or s. 775.084. If the

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

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1248 quantity involved:

1249 a. Is 4 grams or more, but less than 14 grams, such person
 1250 shall be sentenced to a mandatory minimum term of imprisonment
 1251 of 7 years and shall be ordered to pay a fine of \$50,000.

1252 b. Is 14 grams or more, but less than 28 grams, such person
 1253 shall be sentenced to a mandatory minimum term of imprisonment
 1254 of 20 years and shall be ordered to pay a fine of \$100,000.

1255 c. Is 28 grams or more, such person shall be sentenced to a
 1256 mandatory minimum term of imprisonment of 25 years and shall be
 1257 ordered to pay a fine of \$500,000.

1258 Section 4. This act shall take effect October 1, 2025.

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The Florida Senate

March 18, 2025

Meeting Date

APPEARANCE RECORD

Deliver both copies of this form to
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SB1360

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Marsia Brann

Phone

716-727-9788

Address

3354 Fort Collins Lane

Email

Marsia prr free life
@gmail.com

Street

Tallahassee 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:

☐

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

03/18/25

Meeting Date

Criminal Justice

Committee

1360

Bill Number or Topic

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

Name Commissioner John Brodie (City of Coconut Creek) Phone 954-956-6702

Address 4800 W Copans Rd. Email jbrodie@coconutcreek
Street

Coconut Creek FL 33063
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

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03/18/25

Meeting Date

Criminal Justice

Committee

1360

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lauren Jackson

Phone 931-265-8999

Address 205 S. Adams St.

Street

Tallahassee

City

FL

State

32301

Zip

Email lworen@ericksconsultants.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:

SEMINOLE COUNTY SHERIFFS 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 18, 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

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1360

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 18 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

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1360

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jennifer Cook Pritt**

Phone **850-219-3631**

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/18/25

Meeting Date

Criminal Justice

Committee

The Florida Senate

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SB 1360

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Aurelie Colon

Phone

9548818595

Address

403 Washington Ave

Street

Montgomery AL

City

State

Zip

Email

aurelie.colon@splcenter.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:

SPLC

☐

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

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3-18-25

Meeting Date

Criminal Justice

Committee

1360

Bill Number or Topic

Amendment Barcode (if applicable)

Name Abdelilah Skhir

Phone 786-363-1660

Address 4343 W Flagler St #400

Email askhir@acluf1.org

Street

Miami

City

FL

State

33134

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:

ACLU of Florida

☐

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

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

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S-001 (08/10/2021)

3/18/25

Meeting Date

Criminal Justice

Committee

Name Allie McNair

Address 2167 Mahan Dr.

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 1360

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 8505661979

Email amcnair@flsheriffs.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 Sheriffs 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)

SB 1360 – Controlled Substances

This bill amends multiple statutes. First, it amends s. 893.03, F.S., creating exceptions for veterinary use of xylazine. It then amends s. 893.13, F.S., adding xylazine to the list of substances where the sale, manufacture, or delivery of them with specified attributes would carry a 3 year mandatory minimum prison sentence.

Finally, this bill amends s. 893.135, F.S., “trafficking in xylazine” with the following thresholds and mandatory minimums listed below:

:

- 4 grams or more, but less than 14 grams (mandatory minimum of 7 years)
- 14 grams or more, but less than 28 grams (mandatory minimum of 20 years)
- 28 grams or more (mandatory minimum of 25 years)

Per DOC, in FY 23-24, there were 704 new commitments to prison for possession of a controlled substance and 315 new commitments for the sale, manufacture, or delivery of a controlled substance. Since this data has multiple different drugs included, it is not known how many of these offenses involved xylazine. Therefore, the prison bed impact of this new language cannot be determined.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

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 1422

INTRODUCER: Criminal Justice Committee and Senator Truenow

SUBJECT: Unmanned Aircraft or Unmanned Aircraft Systems

DATE: March 20, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cella	Stokes	CJ	Fav/ CS
2. _____	_____	TR	_____
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1422 amends three sections of law relating to drones. The bill amends 330.41, F.S., to increase the criminal penalties from a second degree misdemeanor¹ to a third degree felony² if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities. The bill also permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.

The bill amends s. 330.411, F.S., to specify it is a third degree felony for a person to knowingly or willfully:

- Possess or operate a weaponized drone;

¹ A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. ss. 775.02 and 775.083, F.S.

² A third degree felony is punishable by up to 5 year imprisonment and a \$5,000 fine. ss. 775.02 and 775.083, F.S.

- Alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software for certain purposes; or
- Possess or operate such an altered unmanned aircraft or unmanned aircraft system.

A person who possesses or operates a drone that carries a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, commits a first degree felony.³

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. Additionally, the bill makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

The bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating under 500 ft. over the property.

Additionally, a law enforcement agency may use a drone to provide or maintain the public safety of a crowd of 50 people or more, and in furtherance of providing and maintaining the security of an elected official.

The bill may have an effect on the number of prison beds however an official estimate has not yet been made. *See Section V, Fiscal Impact.*

The bill takes effect on October 1, 2025.

II. Present Situation:

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.⁴

Small drones are regulated by the Federal Aviation Authority (FAA) and federal regulations such as in 14 CFR 107.51(b)(2) which contain the following operating limitations for small drones:

- The minimum flight visibility, as observed from the location of the control station must be no less than 3 statute miles.
- The minimum distance of the small unmanned aircraft from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.
- The groundspeed of the small unmanned aircraft may not exceed 87 knots (100 miles per hour).

³ A first degree felony is punishable by up to 30 years to life imprisonment and a \$15,000 fine. ss. 775.02 and 775.083, F.S.

⁴ Section 934.50(2), F.S.

- The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:
 - Is flown within a 400-foot radius of a structure; and
 - Does not fly higher than 400 feet above the structure's immediate uppermost limit.⁵

The FAA has recently adopted a rule for drone operators relating to remote identification which is the capability of an unmanned aircraft in flight to provide certain identification, location, and performance information that people on the ground and other airspace users can receive.⁶

The FAA expects this rule will result in several important benefits and enhancements to support safety and security in the airspace of the United States. Remote identification provides information that helps address existing challenges faced by the FAA, law enforcement entities, and national security agencies responsible for the safety and security of the airspace of the United States. As unmanned aircraft operations increase, so does the risk of unmanned aircraft being operated in close proximity to manned aircraft, or people and property on the ground, or in airspace unsuitable for these operations.

Remote identification provides a means to identify these aircraft and locate the person who controls them (e.g., operators, pilots in command). It allows the FAA, law enforcement, and national security agencies to distinguish compliant airspace users from those potentially posing a safety or security risk. It permits the FAA and law enforcement to conduct oversight of persons operating UAS and to determine whether compliance actions, enforcement, educational, training, or other types of actions are needed to mitigate safety or security risks and foster increased compliance with regulations. Remote identification data also informs the public and users of the airspace of the United States of the local operations that are being conducted at any given moment.⁷

Drones and Surveillance

The Freedom from Unwanted Surveillance Act is found in s. 934.50, F.S. The Act provides citizens' privacy from non-law enforcement and law enforcement drone information-seeking surveillance over private property.⁸

Section 934.50, F.S., prohibits a state agency, political subdivision,⁹ or non-law enforcement person from using a drone equipped with an imaging device to record an image of the tenant of privately owned real property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy without his or her written consent.¹⁰ For purposes of this section, surveillance means:

⁵ 14 CFR Part 107, (last visited March 11, 2025).

⁶ Federal Register, Department of Transportation, Vol. 86, No. 10 (January 15, 2021), Rules and Regulations 4405 14 CFR Parts 1, 11, 47, 48, 89, 91, and 107. (last visited March 18, 2025).

⁷ *Id.*

⁸ Section 934.50(3)(a), F.S.

⁹ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village. s.11.45, (1)(k) F.S.

¹⁰ Section 934.50(3)(b), F.S.

- With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or
- With respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.¹¹

Section 934.50(4)(a)-(q), F.S., provides exceptions for law enforcement, government agency, and commercial uses for drones.¹² A few of these other authorized uses for drones in s. 934.50, F.S. include:

- To counter a high risk of a terrorist attack;¹³
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more under certain circumstances;¹⁴
- For the assessment of damage due to a flood, wildfire, or any other natural disaster that is the subject of a state of emergency declared by the state or by a political subdivision, before the expiration of the emergency declaration;¹⁵
- To capture images by or for an electric, water, or natural gas utility under certain circumstances;¹⁶ and
- By an employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.¹⁷

There are no criminal penalties associated with this section, however civil remedies are specifically provided in s. 934.50(5), F.S. Also, evidence obtained or collected in violation of this act is not admissible as evidence in a criminal prosecution in any court of law in this state.¹⁸

Protecting Critical Infrastructure and Schools from Unwelcome Drone Encroachment

The Unmanned Aircraft Systems Act defines an “unmanned aircraft system” as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently.¹⁹ The focus of the act is the safety of critical infrastructure,²⁰ protection of schools,²¹ drone delivery services,²² and drone ports.²³

“Critical infrastructure facility” is defined in s. 330.41(2)(a)1.-20, F.S., to include, in part:

¹¹ Section 934.50(2)(e), F.S.

¹² Section 934.50(4)(a), F.S.

¹³ Section 934.50(4)(a), F.S.

¹⁴ Section 934.50(4)(d), F.S.

¹⁵ Section 934.50(4)(g)1., F.S.

¹⁶ Section 934.50(4)(k), F.S.

¹⁷ Section 934.50(4)(p), F.S.

¹⁸ Section 934.50(6), F.S.

¹⁹ Section 330.41(2)(e), F.S.

²⁰ Section 330.41(2)(a)1.-20., F.S.

²¹ Section 330.41(5), F.S.

²² Section 330.41(2)(c), F.S.

²³ Section 330.41(2)(d), F.S.

- A power generation or transmission facility, substation, switching station, or electrical control center;
- Any portion of an aboveground oil or gas pipeline;
- A state correctional institution as defined in s. 944.02, F.S., or a contractor-operated correctional facility authorized under ch. 957, F.S.; and
- A county detention facility as defined in s. 951.23, F.S.²⁴

It is a second degree misdemeanor²⁵ for a first offense and a first degree misdemeanor²⁶ for a second offense if a person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.²⁷

Additionally, a person may not knowingly or willfully:

- Operate a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allow a drone to make contact with a school, including any person or object on the premises of or within the school facility.²⁸

A person who commits either of the offenses listed above commits a misdemeanor of the second degree. A second or subsequent violation is a first degree misdemeanor offense. However, if a person commits either of the two offenses above and records video of the school, including any person or object on the premises of or within the school facility, it is a misdemeanor of the first degree, and a second or subsequent offense is a felony of the third degree.²⁹

Armed Drones

Section 330.411, F.S. prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S.,³⁰ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S. The terms mean:

- “Ammunition” means an object consisting of a fixed metallic or nonmetallic hull or casing containing a primer; one or more projectiles, one or more bullets, or shot; and gunpowder.³¹
- “Destructive device” means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible

²⁴ Section 330.41(4)(a), F.S.

²⁵ A second degree misdemeanor is punishable by up to 60 days in the county jail and \$500 fine. ss. 775.082 and 775.083, F.S.

²⁶ A first degree misdemeanor is punishable by up to one year in the county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

²⁷ Section 330.41(a), F.S.

²⁸ Section 330.41(5), F.S.

²⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

³⁰ Section 330.411, F.S.

³¹ Sections 790.001 (1), (6), (8), (9), and (20), F.S.

container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. “Destructive device” does not include: a device which is not designed, redesigned, used, or intended for use as a weapon; any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device; any shotgun other than a short-barreled shotgun; or any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.³²

- “Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including: shotgun shells, cartridges, or ammunition for firearms; fireworks as defined in s. 791.01, F.S.; smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241, F.S.; black powder in quantities not to exceed that authorized by ch. 552, F.S., or by any rules adopted by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.³³
- “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.³⁴
- “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.³⁵

Section 330.411, F.S., contains no criminal penalties attached to a person’s prohibited possession of an armed drone

III. Effect of Proposed Changes:

The bill amends the criminal penalties in s. 330.41(4), F.S., by increasing the second degree misdemeanor penalty to a third degree felony for a person to knowingly and willfully:

- Operate a drone over a critical infrastructure facility;

³² Section 790.001(6), F.S.

³³ Section 790.001(8), F.S.

³⁴ Section 790.001(9), F.S.

³⁵ Section 790.001(20), F.S.

- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.³⁶

The bill adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S., to include “wired” communication facilities. The bill amends s. 330.41(4)(a)1., F.S., to provide that a person can operate a drone over a critical infrastructure facility if the operation is for a commercial purpose and is authorized by and in compliance with the FFA regulations.

The bill amends s. 330.411, F.S., to specify it is a third degree felony when a person knowingly or willfully possesses or operates a drone with an attached firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.

The bill creates two new third degree felony offenses related to the FFA remote identification requirements. A person is prohibited from knowingly or willfully altering, manipulating, tampering with, or otherwise changing an unmanned aircraft or unmanned aircraft system’s hardware or software to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, in violation of s. 330.41(4)(a), F.S., unless authorized.³⁷

A person is also prohibited from knowingly or willfully possessing or operating such an altered, manipulated, tampered with, or otherwise changed to purposely frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the FAA, as they relate to any unmanned aircraft or unmanned aircraft system, and violating s. 330.41(4)(a), F.S., unless authorized.³⁸

Additionally, the bill provides that a person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, as those terms are defined in s. 790.166(1), F.S., commits a first degree felony.

The bill amends s. 934.50(4)(d), F.S., providing that law enforcement is not prohibited from using a drone to provide or maintain the public safety of a crowd of 50 people or more.

The bill also amends s. 934.50(4), F.S., to provide that a law enforcement agency may use a drone in furtherance of providing and maintaining the security of an elected official.³⁹

The bill creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device to record an image of the tenant of privately owned real

³⁶ Section 330.41(4)(a)1.-3, F.S.

³⁷ The bill specifies that authority can come from the administrator of the FAA or the Secretary of Defense or their respective designees.

³⁸ *Id.*

³⁹ See Section 943.68, F.S., for a description of security or transportation provided by the Florida Department of Law Enforcement to the Governor and others.

property, with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy. The bill also creates a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes the surveillance.

Finally, the bill amends s. 934.50(3), F.S., to provide that a person who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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 effect on prison beds due to the increase in penalties and new crimes.

VI. Technical Deficiencies:

The provision in s. 934.50, F.S., permitting a person who has a reasonable expectation of privacy on his or her private property to use reasonable force to prohibit a drone from conducting surveillance, if the drone is operating *under 500 ft. over the property*. This appears to conflict with a small drone's altitude limitations. The altitude of the small unmanned aircraft *cannot be higher than 400 feet above ground level*.⁴⁰

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41, 330.411, 934.50.

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 Committee on March 18, 2025: The CS:

- Adds a component to the definition of the term “communications facility” in s. 330.41(2)(a)10., F.S. to include “wired” communication facilities.
- Permits a person to operate a drone over a critical infrastructure facility for a commercial purpose if the flight is authorized as required.
- Specifies in s. 330.411, F.S., that it is a third degree felony for a person to knowingly or willfully possess or operate a weaponized drone.
- Creates a third degree felony in s. 330.411, F.S., if a person knowingly or willfully tampers with or alters a drone in violation of s. 330.41(4)(a), F.S., to purposefully frustrate technology intended to satisfy the Federal Aviation Administration remote identification system;
- Creates a third degree felony in s. 330.411, F.S., if a person possesss or operates such an altered unmanned aircraft or unmanned aircraft system in violation of s. 330.41(4)(a), F.S.
- Permits a person, in s. 934.50(3), who has a reasonable expectation of privacy on his or her private property may use reasonable force to prohibit a drone from conducting surveillance there, if the drone is operating under 500 ft. over the property.
- Creates a first degree misdemeanor if a person violates s. 934.50(3)(b), F.S., by using a drone equipped with an imaging device with the intent to conduct surveillance of the individual or property in violation of such person's reasonable expectation of privacy.
- Makes it a third degree felony if a person violates s. 934.50(3)(b), F.S., and intentionally distributes surveillance.

⁴⁰ 14 CFR Part 107, (last visited March 11, 2025).

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
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The Committee on Criminal Justice (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (2) and paragraphs
(a) and (b) of subsection (4) of section 330.41, Florida
Statutes, are amended to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Critical infrastructure facility" means any of the



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following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. A power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

4. A mining facility.

5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

6. A liquid natural gas or propane gas terminal or storage facility.

7. Any portion of an aboveground oil or gas pipeline.

8. A refinery.

9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

10. A wireless or wired communications facility, including the tower, antennas ~~antennae~~, support structures, and all associated ground-based equipment.

11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.

12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.



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13. An airport as defined in s. 330.27.

14. A spaceport territory as defined in s. 331.303(19).

15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.

16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

17. A state correctional institution as defined in s. 944.02 or a contractor-operated correctional facility authorized under chapter 957.

18. A secure detention center or facility as defined in s. 985.03, or a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).

19. A county detention facility as defined in s. 951.23.

20. A critical infrastructure facility as defined in s. 692.201.

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(a) A person may not knowingly or willfully:

1. Operate a drone over a critical infrastructure facility, unless the operation is for a commercial purpose and is authorized by and in compliance with the Federal Aviation Administration regulations;

2. Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

3. Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.



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(b) A person who violates paragraph (a) commits a felony of the third ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083. ~~A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 2. Section 330.411, Florida Statutes, is amended to read:

330.411 Prohibited possession, alteration, or operation of unmanned aircraft or unmanned aircraft system.—

(1) A person may not knowingly or willfully possess or operate an unmanned aircraft or unmanned aircraft system as defined in s. 330.41(2) ~~s. 330.41~~ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001.

(2) A person may not knowingly or willfully alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software to purposefully frustrate any tool, system, or technology intended to satisfy the remote identification requirements established by the Federal Aviation Administration as they relate to any unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a), unless authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees.

(3) A person may not knowingly or willfully possess or operate an unmanned aircraft or unmanned aircraft system that has been altered, manipulated, tampered with, or otherwise changed to purposefully frustrate any tool, system, or



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technology intended to satisfy the remote identification requirements established by the Federal Aviation Administration as they relate to any unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a), unless authorized by the administrator of the Federal Aviation Administration or the Secretary of Defense, or their respective designees.

(4) A person who violates subsection (1), subsection (2), or subsection (3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, as those terms are defined in s. 790.166(1), commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (d) of subsection (4) of section 934.50, Florida Statutes, is amended, paragraph (r) is added to that subsection, and subsection (8) is added to that section, to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(d) To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more or to provide or maintain the public safety of such crowd, provided that:

1. The law enforcement agency that uses the drone to provide an aerial perspective of a crowd of 50 people or more must have policies and procedures that include guidelines:

a. For the agency's use of a drone.



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b. For the proper storage, retention, and release of any images or video captured by the drone.

c. That address the personal safety and constitutional protections of the people being observed.

2. The head of the law enforcement agency using the drone for this purpose must provide written authorization for such use and must maintain a copy on file at the agency.

(r) By a law enforcement agency in furtherance of providing and maintaining the security of an elected official pursuant to s. 943.68.

(8) CRIMINAL PENALTIES.—

(a) An individual who knowingly or willfully violates paragraph (3)(b) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An individual who knowingly or willfully violates paragraph (3)(b) and intentionally distributes surveillance obtained in violation of that paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

This subsection does not apply to a state agency, a political subdivision, a law enforcement agency, or its officers, employees, or agents.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:



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A bill to be entitled

An act relating to unmanned aircraft or unmanned aircraft systems; amending s. 330.41, F.S.; revising the definition of the term "critical infrastructure facility"; providing an exception to the prohibition on operating a drone over a critical infrastructure facility; increasing the criminal penalty for certain prohibited actions relating to drones; amending s. 330.411, F.S.; prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems; providing exceptions; providing criminal penalties; amending s. 934.50, F.S.; revising and providing exceptions to certain prohibited actions relating to drones; providing criminal penalties; providing applicability; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
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The Committee on Criminal Justice (Truenow) recommended the following:

Senate Amendment to Amendment (742930) (with directory and title amendments)

Between lines 117 and 118
insert:

(3) PROHIBITED USE OF DRONES.—

(b)1. A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee



490098

of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

2. A person who has a reasonable expectation of privacy on his or her privately owned real property may use reasonable force to prohibit a drone from conducting surveillance in violation of this paragraph, if such drone is operating under 500 ft. over such property.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====
And the directory clause is amended as follows:

Delete lines 113 - 114
and insert:

Section 3. Paragraph (b) of subsection (3) and paragraph (d) of subsection (4) of section 934.50, Florida Statutes, is amended, paragraph (r) is added to

=====
T I T L E A M E N D M E N T
=====
And the title is amended as follows:

Delete line 167
and insert:

amending s. 934.50, F.S.; permitting using reasonable force to prohibit a drone from conducting



490098

40

surveillance; revising and providing

By Senator Truenow

13-00672B-25

20251422__

A bill to be entitled

An act relating to unmanned aircraft or unmanned aircraft systems; amending s. 330.41, F.S.; increasing the criminal penalty for certain prohibited actions relating to drones; amending s. 330.411, F.S.; prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems; providing criminal penalties; amending s. 934.50, F.S.; revising and providing exceptions to certain prohibited actions relating to drones; providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section 330.41, Florida Statutes, is amended, and paragraph (a) of that subsection is republished, to read:

330.41 Unmanned Aircraft Systems Act.—

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(a) A person may not knowingly or willfully:

1. Operate a drone over a critical infrastructure facility;

2. Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

3. Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

(b) A person who violates paragraph (a) commits a felony of the third degree ~~misdemeanor of the second degree~~, punishable as provided in s. 775.082 or s. 775.083. ~~A person who commits a~~

13-00672B-25

20251422__

~~second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 2. Section 330.411, Florida Statutes, is amended to read:

330.411 Prohibited possession, alteration, or operation of unmanned aircraft.—

(1) A person may not willfully possess or operate an unmanned aircraft or unmanned aircraft system as defined in s. 330.41(2) ~~s. 330.41~~ with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001.

(2) A person may not willfully alter, manipulate, tamper with, or otherwise change an unmanned aircraft or unmanned aircraft system's hardware or software to counter or bypass any tool, system, or technology intended to detect unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a).

(3) A person may not willfully possess or operate an unmanned aircraft or unmanned aircraft system that has been altered, manipulated, tampered with, or otherwise changed to counter or bypass any tool, system, or technology intended to detect unmanned aircraft or unmanned aircraft systems in violation of s. 330.41(4)(a).

(4) A person who violates subsection (1), subsection (2), or subsection (3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who, without lawful authority, possesses or operates an unmanned aircraft system carrying a weapon of mass destruction, a hoax weapon of mass destruction, a biological agent, or a toxin, as those terms are defined in s. 790.166(1),

13-00672B-25

20251422__

59 commits a felony of the first degree, punishable as provided in
60 s. 775.082, s. 775.083, or s. 775.084.

61 Section 3. Paragraph (d) of subsection (4) of section
62 934.50, Florida Statutes, is amended, and paragraph (r) is added
63 to that subsection, to read:

64 934.50 Searches and seizure using a drone.—

65 (4) EXCEPTIONS.—This section does not prohibit the use of a
66 drone:

67 (d) To provide a law enforcement agency with an aerial
68 perspective of a crowd of 50 people or more or to provide or
69 maintain the public safety of such crowd, provided that:

70 1. The law enforcement agency that uses the drone to
71 provide an aerial perspective of a crowd of 50 people or more
72 must have policies and procedures that include guidelines:

73 a. For the agency's use of a drone.

74 b. For the proper storage, retention, and release of any
75 images or video captured by the drone.

76 c. That address the personal safety and constitutional
77 protections of the people being observed.

78 2. The head of the law enforcement agency using the drone
79 for this purpose must provide written authorization for such use
80 and must maintain a copy on file at the agency.

81 (r) By a law enforcement agency in furtherance of providing
82 and maintaining the security of an elected official pursuant to
83 s. 943.68.

84 Section 4. This act shall take effect October 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

March 7, 2025

Senator Jonathan Martin
315 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Martin,

I would like to request SB 1422 Unmanned Aircraft or Unmanned Aircraft Systems be placed on the next available Criminal Justice Committee agenda.

This bill relates to unmanned aircraft or unmanned aircraft systems increasing the criminal penalty for certain prohibited actions relating to drones, prohibiting certain actions relating to unmanned aircraft or unmanned aircraft systems, providing criminal penalties, revising and providing exceptions to certain prohibited actions relating to drones.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: 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

March 18, 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

1422

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)

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 1640

INTRODUCER: Senator Grall

SUBJECT: Public Records/Lethality Assessment Forms

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 1640 amends s. 741.29, F.S., to create a public records exemption for a lethality assessment form that contains a victim's information and responses to a lethality assessment.

Lethality assessments are used to determine a victim's risk of serious bodily injury or death at the hands of their aggressor and are administered by law enforcement for any call relating to intimate partner violence.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution, and because it creates a new public records exemption it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect July 1, 2025.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Lethality Assessments

Florida is the second state to pass legislation mandating law enforcement to administer a lethality assessment when speaking with suspected domestic violence victims. The bill, also known as the Gabby Petito Act, was passed in 2024.²⁷

To administer a lethality assessment, a law enforcement officer must ask a series of questions which, in part, include:²⁸

- Did the aggressor ever use a weapon against you or threaten you with a weapon?
- Did the aggressor ever threaten to kill you or your children?
- Has the aggressor ever choked you or attempted to choke you?

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Herald-Tribune, *Law enforcement discusses Gabby Petito Act*, (March 7, 2025), available at: <https://www.heraldtribune.com/story/news/courts/2025/03/07/sarasota-county-law-enforcement-talks-gabby-petito-act-family-feuds/80532980007/> (last visited March 10, 2025).

²⁸ Section 741.29(2)(e), F.S.

All law enforcement officers are required to receive instruction on the policies and procedures for administering a lethality assessment as part of basic recruit training or as part of the required instruction continued for employment. A law enforcement officer may not administer a lethality assessment to a victim if the officer has not received training. Each law enforcement agency must ensure that all of its sworn personnel have completed the training by October 1, 2026.²⁹

A law enforcement officer must advise the victim of the results of the lethality assessment and refer the victim to the nearest locally certified domestic violence center if certain criteria are met.³⁰ A law enforcement officer may not include in a probable cause statement, written police report, or incident report the domestic violence center to which a victim was referred.³¹

III. Effect of Proposed Changes:

The bill amends s. 741.29, F.S., to create a public records exemption for a lethality assessment form that contains a victim's information and responses to a lethality assessment.

This exemption applies to information held by an agency before, on, or after July 1, 2025, and is repealed on October 2, 2030, unless reenacted by the Legislature.

The exemption is subject to the Open Government Sunset Review Act will expire on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

Additionally, the bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is protected from disclosure.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the

²⁹ Section 741.29(2)(b), F.S.

³⁰ Section 741.29(2)(f), F.S.

³¹ Section 741.29(2)(h), F.S.

public records requirements. This bill enacts a new exemption for records pertaining to a lethality assessment form that contains a victim's information and responses; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of domestic violence, and the bill exempts only records pertaining to lethality assessments from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 741.29 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Grall

29-00851-25

20251640__

A bill to be entitled

An act relating to public records; amending s. 741.29, F.S.; providing an exemption from public records requirements for a lethality assessment form that contains certain information and responses; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (2) of section 741.29, Florida Statutes, to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(2) The department shall consult with the Department of Children and Families, the Florida Sheriffs Association, the Florida Police Chiefs Association, the Florida Partnership to End Domestic Violence, and at least two domestic violence advocacy organizations to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center. The group must review the questions in paragraph (e) and make a recommendation as to whether all questions should be included in the statewide lethality assessment instrument and form. By January 1, 2025, the department must adopt a statewide

Page 1 of 3

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

29-00851-25

20251640__

lethality assessment instrument and form. If a question in paragraph (e) is eliminated from the assessment, the department must confirm that the remaining or altered questions constitute an evidence-based lethality assessment. By January 31, 2025, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results and recommendations of the group, including any proposed statutory changes that are necessary for implementation of a statewide lethality assessment. Training on how to administer a lethality assessment and the approved lethality assessment form must be accessible to a law enforcement officer in an online format.

(i) A lethality assessment form that contains a victim's information and responses to the lethality assessment is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that a lethality assessment form that contains a victim's information and responses to the lethality assessment be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that the release of information included on a lethality assessment form could subject victims of domestic violence to an increased risk of abuse. Such information contained on a lethality assessment form is sensitive in nature. The Legislature further finds that such victims are more likely to participate in a lethality assessment if such form is

Page 2 of 3

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

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59 protected from public disclosure. The Legislature finds that the
60 harm that may result from the release of such information
61 outweighs the public benefit that may be derived from the
62 disclosure of the information.

63 Section 3. 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: March 7, 2025

I respectfully request that **Senate Bill #1640**, relating to Public Records/Lethality Assessment Forms, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall". The signature is written in a cursive style.

Senator Erin Grall
Florida Senate, District 29

March 18, 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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1640

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:

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I am appearing without
compensation or sponsorship.

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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)

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 1654

INTRODUCER: Senator Martin

SUBJECT: Registration of Sexual Predators and Sexual Offenders

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 1654 amends both ss. 775.21 (sexual predators), and 943.0435, F.S. (sexual offenders), to:

- Include an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.
- Provide that an in-state travel residence be reported within 48 hours of establishment of the residence.
- Require that specified employment information be registered through the sheriff's office.
- Specify that registrants must register the creation of a new business, including self-employment online.
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office.
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.¹

The bill amends s. 775.21, F.S., by clarifying definition of "permanent residence"² to mean a person's home or where a person primarily lives.

The bill amends s. 775.21, F.S., to specify that a sexual predator who is in the custody, control or supervision with the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ)

¹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

² Section 775.21(2)(k), F.S.

must report changes to vehicle ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ.

The bill further amends s. 775.21, F.S., to specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision with the DOC at least four times per calendar year.

The bill amends 943.0435, F.S. to specify that if a sexual offender's place of residence is a vessel, as outlined in statute, the sexual offender must provide the information to the FDLE through the sheriff's office.

The bill further amends s. 943.0435, F.S. to specify that county and local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.

The bill takes effect on October 1, 2025

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the DOC, the DHSMV, and law enforcement officials.³ Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁴ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁵

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁶ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes⁷ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the DOC, the DJJ, the DHSMV, and the Department of Children and Families.

³Florida Department of Law Enforcement, Sexual Offender and Predator System, available at <https://offender.fdle.state.fl.us/offender/sops/home.jsf> (last visited on March 11, 2025).

⁴ Sections 775.21 and 943.0435, F.S.

⁵ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁶ Sections 775.21 and 943.0435, F.S.

⁷ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;⁸
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.⁹

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹⁰

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.¹¹ Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the DOC's control or custody, under the DOC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, live-aboard vessel or houseboat, all changes in vehicles owned and travel. The FDLE, through its agency website, provides a searchable database that includes some of this information.¹² Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

⁸ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

⁹ Section 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹⁰ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S. Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

¹¹ All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register per s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (on the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). Sections 775.21(8)(a), 943.0435(14)(b), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (on the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

¹² The FDLE is the central repository for registration information. The department also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. See <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on March 11, 2025).

FDLE's Online System

The FDLE is required to establish an online system through which sexual predators and sexual offenders may securely access, submit, and update all electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.¹³

A sexual predator or sexual offender must register all change of name information, electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the FDLE through the FDLE's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DOC, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DOC before using such electronic mail addresses or Internet identifiers. If the sexual predator or sexual offender is in the custody or control, or under the supervision, of the DJJ, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the DJJ before using such electronic mail addresses or Internet identifiers.¹⁴

A sexual predator or sexual offender must register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education in the same manner previously described.¹⁵

Currently, the law specifies that a sexual predator and sexual offender may report all changes to vehicles owned through the FDLE's online system.

The United States District Court for the Northern District of Florida, Tallahassee division, issued a March 2024 which struck down a limited portion of Florida's sexual offender registration law that requires a sexual offender to report in person to the Department of Highway Safety and Motor Vehicles (DHSMV) any change of "permanent residence" or "temporary residence," as defined in s. 775.21(2)(k) and (n), F.S., that does not require the DHSMV to issue a replacement driver license or state identification card with the offender's new address.¹⁶

Under this order, a sexual offender is only required to report in-person to the DHSMV for a change in "permanent residence" or "temporary residence" that is either a change of address of the kind that all holders of driver licenses or identification cards must report, a change of the registrant's home, or a change of the place where the registrant habitually lives. Residence changes under s. 943.0435(4)(a), F.S., that are not listed above, such as "in-state travel," are required only to be reported to the sheriff's office, and a sexual offender is not required to

¹³ Sections 775.21(6)(g)5.c. and 943.0435(4)(e)3., F.S.

¹⁴ Sections 775.21(6)(g)5.a. and 943.0435(4)(e)1., F.S.

¹⁵ Sections 775.21(6)(g)5.b. and 943.0435(4)(e)2., F.S.

¹⁶ United States District Court for the Northern District of Florida, Case No. 4:21cv85-RH-MJF (March 2024).

confirm to the sheriff's office that they have met the previous requirement to report to DHSMV. The report to the sheriff's office need not be in person. Additionally, the order requires the FDLE to make available a method by which sexual offenders may report online or through similarly accessible means any change of "permanent residence" or "temporary residence," as required by s. 943.0435(4)(a), F.S., that is not a change of address that would require DHSMV to issue a replacement driver license or state identification card for that address.¹⁷

Currently, all temporary address changes, including in-state travel, are reported in person to DHSMV and, if unable to report to DHSMV, also to the sheriff's office.¹⁸¹⁹

The FDLE has implemented a mechanism in which sexual offenders can report in-state travel online, but this is currently not allowed under Florida's registration laws, s. 943.0435, F.S. (sexual offenders) and s. 775.21, F.S. (sexual predators).²⁰

Current registration laws require the reporting of employment information, but only the address is required. There is currently no set requirement for address verifications.²¹

III. Effect of Proposed Changes:

Section 775.21, F.S., The Florida Sexual Predators Act

The bill amends s. 775.21, F.S., to:

- Clarify the definition of "permanent residence"²² to mean a person's home or where a person primarily lives.
- Amend the definition of "temporary residence,"²³ to create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.
- Require that in-state travel residences must be reported either online or in person with the sheriff's office.
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ.
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number. The bill adds language to ensure that registrants must register the creation of a new business, including self-employment.
- Remove language regarding proof of reporting changes to the DHSMV and the sheriff's office for all residence changes.

¹⁷ United States District Court for the Northern District of Florida, Case No. 4:21cv85-RH-MJF (March 2024).

¹⁸ Section 775.21(6), F.S.

¹⁹ Florida Department of Law Enforcement, *Agency Bill Analysis SB 165 Registration of Sexual Offenders and Sexual Predators* (on file with the Senate Criminal Justice Committee)

²⁰ Florida Department of Law Enforcement, *Notice to Registrants*, available at <https://www.fdle.state.fl.us/SOPS/2024-Notice-to-Registrants-%e2%80%93-English> (last visited March 11, 2025).

²¹ Sections 775.21(8)(a)1., and 943.0435(2)2., F.S.

²² Section 775.21(2)(k), F.S.

²³ Section 775.21(2)(n), F.S.

- Specify that a sexual predator who is in the custody, control or supervision with the DOC or the DJJ must report changes to vehicles ownership within 48 hours after such change to the sheriff's office instead of reporting these changes online or to the DOC or the DJJ.
- Specify that county and local law enforcement must conduct address verifications of sexual predators not on supervision at least four times per calendar year to ensure the accuracy of the reported information. The added language conforms with the FDLE's current recommendations to local law enforcement for address verifications.
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁴

Section 943.0435, F.S., Sexual Offenders Required to Register

The bill amends s. 775.21, F.S., to:

- Create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.
- Require that in-state travel residences must be reported either online or in person with the sheriff's office.
- Require individuals on supervision with the DOC or the DJJ to report in-state travel residences in person to the DOC or the DJJ.
- Specify that employment information required to be registered includes occupation, business name, employment address and phone number. The bill adds language to ensure that registrants must register the creation of a new business, including self-employment.
- Specify that if the sexual offender's place of residence is a vessel as outlined in statute the sexual offender provide the information to the FDLE through the sheriff's office.
- Remove language requiring proof of reporting specified changes to Department of Highway Safety and Motor Vehicles (DHSMV) in certain instances when such information is reported to the sheriff's office.
- Specify that county or local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.
- Provide that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register, which is a third degree felony.²⁵

The bill takes effect on October 1, 2025.

²⁴ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

²⁵ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.21, 943.0435

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 Martin

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A bill to be entitled

An act relating to registration of sexual predators and sexual offenders; amending s. 775.21, F.S.; revising and providing definitions; revising reporting requirements for sexual predators; revising requirements for an online reporting system; revising verification requirements; providing criminal penalties; amending s. 943.0435, F.S.; revising reporting requirements for sexual offenders; revising verification requirements; providing criminal penalties; providing an effective date.

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

Section 1. Paragraphs (k), (n), and (o) of subsection (2), paragraphs (a), (f), and (g) of subsection (6), subsection (8), and paragraph (a) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

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

(k) "Permanent residence" means a place where the person abides, lodges, or resides for 3 or more consecutive days which is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(n) 1. "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to,

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vacation, business, or personal travel destinations in or out of this state, for ~~a period of~~ 3 or more days in the aggregate during any calendar year and which is not the person's permanent ~~or transient residence. address or~~. For a person whose permanent residence is not in this state, the term includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

2. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

For the purpose of calculating a temporary residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(o) "Transient residence" means a county where the person lives, remains, or is located for the purpose of abiding, lodging, or residing for ~~a period of~~ 3 or more days in the aggregate during a calendar year ~~and~~ which is not the person's permanent or temporary residence address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a transient residence under this paragraph, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(6) REGISTRATION.—

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(a) A sexual predator shall register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of permanent or legal residence and address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; date and place of each conviction; fingerprints; palm prints; and a brief description of the crime or crimes committed by the sexual predator offender. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

a. Any change that occurs after the sexual predator

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registers in person at the sheriff's office as provided in this subparagraph in any of the following information related to the sexual predator must be reported as provided in paragraphs (g), (i), and (j): permanent, temporary, or transient residence; name; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home and cellular telephone numbers; employment information; and status at an institution of higher education.

b. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

c. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each

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institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or employment status.

d. A sexual predator shall report to the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes. A sexual predator who is in the custody or control of, or under the supervision of the Department of Corrections, or in the custody or control of, or under the supervision of the Department of Juvenile Justice, shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall report ~~register~~ in person at a driver license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration unless a driver license or an identification card that complies with the requirements of

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s. 322.141(3) was previously secured or updated under s.

944.607. At the driver license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the department in maintaining current records of sexual predators. A post office box may not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

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2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or an identification card as required by this section. The driver license or identification card issued to the sexual predator must comply with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(g)1.a. Each time a sexual predator's driver license or identification card is subject to renewal, and, without regard to the status of the sexual predator's driver license or identification card, within 48 hours after any change of the sexual predator's residence or change in the sexual predator's name by reason of marriage or other legal process, the sexual predator shall report in person to a driver license office and is subject to the requirements specified in paragraph (f). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section. A sexual predator who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (f) and this paragraph shall ~~also~~ report any change in the sexual predator's permanent, temporary, or transient residence or change in the

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sexual predator's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the sexual predator resides or is located ~~and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles.~~ The reporting requirements under this ~~sub-subparagraph~~ subparagraph do not negate the requirement for a sexual predator to obtain a Florida driver license or identification card as required by this section. This sub-subparagraph does not apply to an in-state travel residence.

b. A sexual predator shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in person at the sheriff's office in the county in which the sexual predator is located; in person at the Department of Corrections if the sexual predator is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual predator is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

2.a. A sexual predator who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator shall provide or update all of the registration information required under

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paragraph (a). The sexual predator shall provide an address for the residence or other place where he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

b. A sexual predator shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual predator must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall report transient residence information in a manner prescribed by the department and provide notice to transient registrants to report transient residence information as required in this sub-subparagraph. Reporting to the sheriff's office as required by this sub-subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this sub-subparagraph. The sheriff's office shall electronically submit to and update with the department all such information within 2 business days after the sexual predator provides it to the sheriff's office.

3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the sexual predator indicated he or she would or did vacate such residence, report in person to the sheriff's office

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to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. A sexual predator who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The failure of a sexual predator who maintains a transient residence to report in person to the sheriff's office every 30 days as required by sub-subparagraph 2.b. is punishable as provided in subsection (10).

5.a. A sexual predator shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or

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291 application software name, to the Department of Juvenile Justice
 292 before using such electronic mail addresses or Internet
 293 identifiers.

294 b. A sexual predator shall register ~~all changes to vehicles~~
 295 ~~owned~~, all changes to home telephone numbers and cellular
 296 telephone numbers, including added and deleted numbers, all
 297 changes to employment information, including the creation of a
 298 new business if self-employed, and all changes in status related
 299 to enrollment, volunteering, or employment at institutions of
 300 higher education, through the department's online system; in
 301 person at the sheriff's office; in person at the Department of
 302 Corrections if the sexual predator is in the custody or control,
 303 or under the supervision, of the Department of Corrections; or
 304 in person at the Department of Juvenile Justice if the sexual
 305 predator is in the custody or control, or under the supervision,
 306 of the Department of Juvenile Justice. All changes required to
 307 be reported in this sub-subparagraph shall be reported within 48
 308 hours after the change.

309 c. The department shall establish an online system through
 310 which sexual predators may securely access, submit, and update
 311 all changes in status to in-state travel residences; all
 312 vehicles owned; electronic mail addresses; Internet identifiers
 313 and each Internet identifier's corresponding website homepage or
 314 application software name; home telephone numbers and cellular
 315 telephone numbers; employment information; and institution of
 316 higher education information.

317 (8) VERIFICATION.—The department and the Department of
 318 Corrections shall implement a system for verifying the addresses
 319 of sexual predators. The system must be consistent with the

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320 federal Adam Walsh Child Protection and Safety Act of 2006 and
 321 any other federal standards applicable to such verification or
 322 required to be met as a condition for the receipt of federal
 323 funds by the state. The Department of Corrections shall verify
 324 the addresses of sexual predators who are not incarcerated but
 325 who reside in the community under the supervision of the
 326 Department of Corrections and shall report to the department any
 327 failure by a sexual predator to comply with registration
 328 requirements. County and local law enforcement agencies, in
 329 conjunction with the department, shall verify the addresses of
 330 sexual predators who are not under the care, custody, control,
 331 or supervision of the Department of Corrections at least four
 332 times per calendar year, and may verify the addresses of sexual
 333 predators who are under the care, custody, control, or
 334 supervision of the Department of Corrections. Local law
 335 enforcement agencies shall report to the department any failure
 336 by a sexual predator to comply with registration requirements.

337 (a) A sexual predator shall report in person each year
 338 during the month of the sexual predator's birthday and during
 339 every third month thereafter to the sheriff's office in the
 340 county in which he or she resides or is otherwise located to
 341 reregister. The sheriff's office may determine the appropriate
 342 times and days for reporting by the sexual predator, which must
 343 be consistent with the reporting requirements of this paragraph.
 344 Reregistration must include any changes to the following
 345 information:

346 1. Name; social security number; age; race; sex; date of
 347 birth; height; weight; tattoos or other identifying marks; hair
 348 and eye color; address of any permanent residence and address of

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any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state including the address, location or description of the transient residences, and dates of any current or known future temporary residence within this state or out of state; all electronic mail addresses; all Internet identifiers and each Internet identifier's corresponding website homepage or application software name; all home telephone numbers and cellular telephone numbers; date and place of any employment information, including occupation, business name, employment address, and telephone number; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

2. If the sexual predator is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those

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terms are defined in chapter 320, the sexual predator shall also provide the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall electronically submit to and update with the department, in a manner prescribed by the department, all such information within 2 business days after the sexual predator provides it to the sheriff's office.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to provide electronic mail addresses, Internet identifiers, and each Internet identifier's corresponding website homepage or application software name; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment

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address, and telephone number of previously reported employment; who fails to report any ~~or~~ changes in status at an institution of higher education; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of a failure to register or report changes to the required information specified in this paragraph constitutes a separate offense.

Section 2. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), paragraphs (a) and (e) of subsection (4), subsection (6), paragraph (a) of subsection (9), and paragraph (c) of subsection (14) of section 943.0435, Florida Statutes, are amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(2) Upon initial registration, a sexual offender shall:

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; tattoos or other identifying marks; hair and eye color; fingerprints; palm prints;

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photograph; employment information, including occupation, business name, employment address, and telephone number; address of permanent or legal residence and ~~or~~ address of any current temporary residence, within this state or out of state, including a rural route address and a post office box; if he or she has no permanent or temporary address, any transient residence within this state; address, location or description, and dates of any current or known future temporary residence within this state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; home telephone numbers and cellular telephone numbers; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; date and place of each conviction; and a brief description of the crime or crimes committed by the sexual offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile

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home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the sexual offender shall also provide to the department through the sheriff's office written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report with the department through the department's online system or in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints,

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and fingerprints to the department, along with the information the sexual offender is required to provide pursuant to this section. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual offender shall:

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must comply ~~be in compliance~~ with s. 322.141(3).

(4)(a) 1. Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the sexual offender's permanent, temporary, or transient residence or change in the sexual offender's name by reason of marriage or other legal process, the sexual offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-

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photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall ~~also~~ report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the offender resides or is located ~~and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles~~. The reporting requirements under this sub-subparagraph ~~paragraph~~ do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section. This sub-subparagraph does not apply to an in-state travel residence.

2. A sexual offender shall report an in-state travel residence within 48 hours after establishing the residence. The report shall be made through the department's online system; in person at the sheriff's office in the county in which the sexual offender is located; in person at the Department of Corrections if the sexual offender is in the custody or control of, or under the supervision of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control of, or under the supervision of the Department of Juvenile Justice.

(e)1. A sexual offender shall register all electronic mail

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addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register ~~all changes to vehicles owned~~, all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, including the creation of a new business if self-employed, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or

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in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to in-state travel residences; vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections at least one time per calendar year, and may verify the addresses of sexual offenders who are under the care, custody, control, or supervision of the Department of Corrections. The system for verifying addresses of sexual offenders must be, in a manner that is consistent with the ~~provisions of the~~ federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(9) (a) Except as otherwise specifically provided, a sexual

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offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to provide electronic mail addresses, Internet identifiers, and each Internet identifier's corresponding website homepage or application software name; who fails to provide all home telephone numbers and cellular telephone numbers; who fails to report any changes to employment information, including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address, and telephone number of previously reported employment; who fails to report any ~~or~~ changes in status at an institution of higher education; who fails to report any changes to vehicles owned, including the addition of new vehicles and changes to the make, model, color, vehicle identification number (VIN), and license tag numbers of previously reported vehicles; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of a failure to register or report changes to the required information specified in this paragraph constitutes a separate offense.

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639 (14)

640 (c) The sheriff's office may determine the appropriate

641 times and days for reporting by the sexual offender, which must

642 be consistent with the reporting requirements of this

643 subsection. Reregistration must include any changes to the

644 following information:

645 1. Name; social security number; age; race; sex; date of

646 birth; height; weight; tattoos or other identifying marks; hair

647 and eye color; address of any permanent residence and address of

648 any current temporary residence, within this state or out of

649 state, including a rural route address and a post office box; if

650 he or she has no permanent or temporary address, any transient

651 residence within this state; address, location or description,

652 and dates of any current or known future temporary residence

653 within this state or out of state; all electronic mail addresses

654 or Internet identifiers and each Internet identifier's

655 corresponding website homepage or application software name; all

656 home telephone numbers and cellular telephone numbers;

657 employment information, including occupation, business name,

658 employment address, and telephone number; the make, model,

659 color, vehicle identification number (VIN), and license tag

660 number of all vehicles owned; fingerprints; palm prints; and

661 photograph. A post office box may not be provided in lieu of a

662 physical residential address. The sexual offender shall also

663 produce his or her passport, if he or she has a passport, and,

664 if he or she is an alien, shall produce or provide information

665 about documents establishing his or her immigration status. The

666 sexual offender shall also provide information about any

667 professional licenses he or she has.

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668 2. If the sexual offender is enrolled or employed, whether

669 for compensation or as a volunteer, at an institution of higher

670 education in this state, the sexual offender shall also provide

671 to the department the name, address, and county of each

672 institution, including each campus attended, and the sexual

673 offender's enrollment, volunteer, or employment status.

674 3. If the sexual offender's place of residence is a motor

675 vehicle, trailer, mobile home, or manufactured home, as those

676 terms are defined in chapter 320, the sexual offender shall also

677 provide the vehicle identification number (VIN); the license tag

678 number; the registration number; and a description, including

679 color scheme, of the motor vehicle, trailer, mobile home, or

680 manufactured home. If the sexual offender's place of residence

681 is a vessel, live-aboard vessel, or houseboat, as those terms

682 are defined in chapter 327, the sexual offender shall also

683 provide the hull identification number; the manufacturer's

684 serial number; the name of the vessel, live-aboard vessel, or

685 houseboat; the registration number of the vessel, live-aboard

686 vessel, or houseboat; and a description, including color scheme,

687 of the vessel, live-aboard vessel, or houseboat.

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

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/18/25
Meeting Date

SB 1654
Bill Number or Topic

CJ
Committee

Amendment Barcode (if applicable)

Name Ann Salamon

Phone 561-866-0930

Address 4228 NW 68 TER
Street

Email ASalamon@aol.com

Gainesville FL 32606
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

March 18, 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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1654

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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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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SB 1654

Bill Number or Topic

Amendment Barcode (if applicable)

318.25

Meeting Date

Senate CJ

Committee

Name Bobbie Smith

Phone 850-251-6392

Address 2331 Phillips Rd.
Street

Email bobbiesmith@fdle.state.fl.us

Tall

City

FL

State

32311

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:

FDLE

☐ 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 18 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1654

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jennifer Cook Pritt**

Phone **850-219-3631**

Address **2636 Mitcham Drive**

Street

Email **jpritt@fpca.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:

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)



2025 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB 1654
BILL TITLE:	Registration of Sexual Predators and Sexual Offenders
BILL SPONSOR:	Martin
EFFECTIVE DATE:	October 1, 2025

COMMITTEES OF REFERENCE

1) Senate Criminal Justice
2) Senate Appropriations Committee on Criminal and Civil Justice
3) Senate Fiscal Policy
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Senate Criminal Justice

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB 1351
SPONSOR:	Baker

Is this bill part of an agency package?

Yes

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	March 10, 2025
LEAD AGENCY ANALYST:	Heather Faulkner
ADDITIONAL ANALYST(S):	Christina Hagenbeck; Becky Bezemek
LEGAL ANALYST:	Jeff Dambly, Phil Lindley
FISCAL ANALYST:	Elizabeth Martin

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This bill amends ss. 943.0435 and 775.21, F.S., to strengthen compliance with state sexual offender and predator registration laws. The bill amends the definitions of residency, revises reporting provisions for in-state travel and clarifies reporting of vehicles for individuals under supervision. The bill specifies what employment information must be registered and what constitutes a change in employment. The bill requires local law enforcement to conduct address verifications one time per calendar year for offenders and four times per calendar year for predators. The bill contains several amendments to ensure consistency with recent judicial directives. The bill takes effect October 1, 2025.

2. SUBSTANTIVE BILL ANALYSIS

- 1. PRESENT SITUATION:** Currently, all temporary address changes, including in-state travel, are reported in person to DHSMV and, if unable to report to DHSMV, also to the sheriff's office. In March 2024, the United States District Court for the Northern District of Florida, Tallahassee division, issued an order in Case No. 4:21cv85-RH-MJF which struck down a limited portion of Florida's sexual offender registration law that requires a sexual offender to report in person to the Department of Highway Safety and Motor Vehicles (DHSMV) any change of "permanent residence" or "temporary residence," as defined in s. 775.21(2)(k) and (n), F.S., that does not require DHSMV to issue a replacement driver license or state identification card with the offender's new address.

Under this order, a sexual offender is only required to report in-person to DHSMV for a change in "permanent residence" or "temporary residence" that is either a change of address of the kind that all holders of driver licenses or identification cards must report, a change of the registrant's home, or a change of the place where the registrant habitually lives. Residence changes under s. 943.0435(4)(a), F.S., that are not listed above, such as "in-state travel," are required only to be reported to the sheriff's office, and a sexual offender is not required to confirm to the sheriff's office that they have met the previous requirement to report to DHSMV. The report to the sheriff's office need not be in person.

Additionally, the order requires FDLE to provide a method by which sexual offenders may report online or through similarly accessible means any change of "permanent residence" or "temporary residence," as required by s. 943.0435(4)(a), F.S., that is not a change of address that would require DHSMV to issue a replacement driver license or state identification card for that address. FDLE has implemented a mechanism in which sexual offenders can report in-state travel online, but this is currently not allowed under Florida's registration laws, s. 943.0435, F.S. (sexual offenders) and s. 775.21, F.S. (sexual predators).

Florida's current registration laws require the reporting of employment information, but only the address is required. Generally, the business name, occupation, and phone number are collected, but not required.

Currently, there is no set requirement for address verifications outside of what is in federal law, and federal law is not specific. FDLE's current recommendations to local law enforcement for address verifications is four times annually for unsupervised sexual predators and once annually for unsupervised sexual offenders.

2. EFFECT OF THE BILL:

Section 1. The bill makes the following changes to s. 775.21, F.S:

- Amends and clarifies the definition of "permanent residence" to mean a person's home or where a person primarily lives.
- Amends the definition of "temporary residence" to create an in-state travel residence as a type of temporary residence. In-state travel residence means a temporary residence in Florida when the person already has an existing permanent, temporary, or transient residence in Florida.
- Authorizes in-state travel residences to be reported online.
- Amends where certain temporary address changes may be reported by specifying that in-state travel residences must be reported either online or in person with the sheriff's office.
- Requires individuals on supervision with the Department of Corrections (DOC) or Department of Juvenile Justice (DJJ) to report in-state travel residences in person to DOC or DJJ.
- Specifies that employment information required to be registered includes occupation, business name, employment address and phone number.

- Adds language to ensure that registrants understand the creation of a new business, if self-employed constitutes a change in employment.
- Specifies that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register.
- Removes language regarding duplicative reporting of address changes to DHSMV and the sheriff's office for all residence changes.
- Clarifies that a person on supervision with the DOC or DJJ must report changes to vehicles owned to the sheriff's office, rather than online or to DOC/DJJ. This language is not required in s. 943.0435, F.S., because sexual offenders under supervision report under ss. 944.607 or 985.4815, F.S.
- Specifies that local law enforcement must conduct address verifications of sexual predators not on supervision at least four times per calendar year to ensure the accuracy of the reported information.

Section 2. The bill makes the following changes to s. 943.0435, F.S:

- Specifies that required employment information to be registered includes occupation, business name, employment address and phone number.
- Adds language to ensure that registrants understand the creation of a new business, if self-employed constitutes a change in employment.
- Specifies that not reporting changes to employment including the addition of new employment, termination of existing employment, and changes to the occupation, business name, employment address and phone number of previously reported employment information constitutes a violation for failure to register.
- Removes language regarding duplicative reporting of address changes to DHSMV and the sheriff's office for all residence changes.
- Authorizes in-state travel residences to be reported online.
- Amends where certain temporary address changes may be reported by specifying that in-state travel residences must be reported either online or in person with the sheriff's office.
- Requires individuals on supervision with DOC or DJJ must report in-state travel residences in person to DOC or DJJ.
- Specifies that local law enforcement must conduct address verifications of sexual offenders not on supervision at least one time per calendar year.

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

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

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

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

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number:	

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

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☒ N ☐**

Revenues:	
Expenditures:	The proposed changes may require local Florida sheriff's offices and police departments to update sexual offender/predator documentation, policies and procedures, and training materials.
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?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	
Expenditures:	The proposed changes will require FDLE to update sexual offender/predator registration forms and e-forms, the Florida Sexual Offender/Predator Public Registry website, the CJNet website, the Cyber Communication System, and training materials. See also the Technology Impact section.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	

Other:	
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4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	The estimated time to complete the necessary programmatic changes to fulfill the requirements of this legislation is 130 hours and will cost \$12,350. FDLE will utilize existing staff resources.
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FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	Portions of the proposed language go beyond what is explicitly ordered by the federal court. These additional changes ensure that the court order is followed while also safeguarding Florida's substantial implementation of the federal Sexual Offender Registration & Notification Act (SORNA), which is Title I of the Adam Walsh Act. States that have substantially implemented SORNA have historically been prioritized in funding consideration for the yearly SMART grant, which goes directly to the registry and supports staffing, equipment, publication, training, and other registry operations. The registry has received over \$2 million in SMART grants over the last 10 years. Additionally, those states that do not substantially implement SORNA see a 10% reduction in the Edward Byrne Memorial Justice Assistance Grant (JAG) received by state agencies in Florida. In 2023, Florida received more than \$12 million in state JAG funds.
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LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	No additional comments or concerns.
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ADDITIONAL COMMENTS

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 1692

INTRODUCER: Criminal Justice Committee and Senator McClain

SUBJECT: Material that is Harmful to Minors

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Fav/CS
2.			ED	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1692 amends s. 1006.28, F.S., to add a modified definition for material that is “harmful to minors.” Additionally, the bill revises what materials a parent or resident may object to.

A parent or resident may object to any material used in a classroom, made available in a school or classroom library, or included in a reading list that contains content which depicts or describes sexual conduct, unless such material is *specifically authorized as part of a health education course, comprehensive health education, or approved through the State Board of Education for specific educational purposes*. The bill provides such materials must be removed within 5 school days upon receipt of an objection by a parent or resident of the county and must remain unavailable throughout the objection review process. The school board may not consider potential literary, artistic, political, or scientific value as a basis for retaining the material.

The State Board of Education (SBE) is required to monitor district compliance and notify a district of any noncompliance. Additionally, the SBE may withhold certain funds until the school district complies.

The bill reenacts s.1014.05, F.S., regarding the requirement for school districts to notify parents of procedures relating to the objection process.

The bill takes effect on July 1, 2025.

II. Present Situation:

Freedom of Speech and the Protection of Minors

The U.S. Supreme Court addressed the issue of whether the First Amendment imposes limitations upon the exercise by a local school board of its discretion to remove library books from high school and junior high school libraries in *Pico*.¹ In that case, books were removed from libraries that the school board characterized as “anti-American, anti-Christian, anti-Semitic, and just plain filthy;” The board further stated “it is our duty, our moral obligation, to protect the children in our schools from this moral danger as surely as from physical and medical dangers.”²

The court recognized precedent that local school boards have broad discretion in the management of school affairs.³ The court also recognized that the discretion of the States and local school boards in matters of education must be exercised in a manner that comports with the transcendent imperatives of the First Amendment.⁴ The court held in *Pico* that local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’⁵

The Florida Legislature passed HB 1069 in 2023, which, in part, provided that a parent or resident may proffer evidence to the district school board that education materials depict or describe sexual conduct, unless such material is for a specified course or identified by State Board of Education rule. Any material that is subject to such objection must be removed within 5 school days of receipt of the objection and remain unavailable to students until the objection is resolved.⁶ As a result of passing such legislation, a number of lawsuits were filed claiming that the law violates First Amendment rights. Numerous objections to educational materials have taken place and have since been litigated.⁷

In 2024, Peter Parnell, et al., filed suit against the School Board of Nassau County, seeking declaratory and injunctive relief for the removal of 36 books, including, *And Tango Makes Three*. In September of 2024, the parties signed a settlement agreement. The terms in the settlement included, in part, that *And Tango Makes Three* contains no obscene material in violation of the obscenity statute, is appropriate for students of all ages, and has pedagogical value. Additionally, the book was immediately restored, with no age restrictions, to the Nassau County’s Libraries.⁸

Twenty two other challenged books were ordered to return to the libraries by September 13, 2024, and the agreement stated the appropriate grade level for each book. Twelve books were to

¹ *Board of Educ., Island trees Union free School District No. 26 et al., v. Pico*, 102 S. Ct. 2799 (1982).

² *Id.* at 2803.

³ *Id.* at 2806.

⁴ *Id.* at 2807.

⁵ *Id.* at 2810.

⁶ Ch. No. 2023-105, L.O.F.

⁷ *Peter Parnell, et al, v. School Board of Nassau County, Florida*, Case: 3:24-cv-00492-WWB-MCR. (Complaint for Declaratory and Injunctive Relief).

⁸ *Id.* (Settlement Agreement).

be returned no later than October 31, 2024, and may be checked out by students 18 years of age or older, or with parental consent.⁹

Background

Freedom of speech is guaranteed to citizens in the United States Constitution and the State Constitution.¹⁰ As a foundational principle, this prohibits the government from dictating what people “see or read or speak or hear.”¹¹ However, there are limits to the freedom of speech; it is not absolute. Categories of speech that do not enjoy complete protection include defamation, incitement, obscenity, and pornography involving real children.¹²

Courts have held, as a bedrock principle of the First Amendment, that a government may not prohibit or suppress the expression of an idea simply because an audience finds the idea offensive or disagreeable.¹³ When evaluating what constitutes the free speech rights of adults, the U.S. Supreme Court held, “[W]e have made it perfectly clear that ‘[s]exual expression which is indecent but not obscene is protected by the First Amendment.’”¹⁴ Stated slightly differently, this means that some forms of pornography are protected under the Constitution, but obscenity is not.

Obscenity and The Miller Test

The U.S. Supreme Court has long held that obscenity is not within the area of constitutionally protected speech, however, sex and obscenity are not synonymous. The Court held that portrayal of sex, for example, in art, literature and scientific works, is not itself a sufficient reason to deny material the constitutional protections of free speech. Obscene material is material that deals with sex in a manner appealing to prurient interests.¹⁵ The U.S. Supreme Court’s standard for determining what material is obscene has evolved over the years.¹⁶

In 1973, the U.S. Supreme Court developed a three-prong test in *Miller v. California*,¹⁷ to define obscene speech. The court acknowledged the inherent dangers of undertaking to regulate any form of expression, and that statutes designed to regulate obscene materials must be carefully limited. This is the test that is still used today to determine whether speech is obscene. According to the *Miller* test, speech is determined to be obscene if:

- The average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
- The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and

⁹ *Id.*

¹⁰ The United States Constitution states, “Congress shall make no law ... abridging the freedom of speech.”

U.S. CONST. amend. I. The State Constitution similarly states “No law shall be passed to restrain or abridge the liberty of speech or of the press.” Fla. Const. art. I, s. 4.

¹¹ *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 245 (2002).

¹² *Id.*

¹³ *Simon & Schuster, Inc. v. Members of New York State Crime Victims Bd*, 502 U.S. 105, 118 (1991).

¹⁴ *Ashcroft*, 245, quoting *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989).

¹⁵ *Roth v. U.S.*, S. Ct. 1304 (1957).

¹⁶ See *Roth v. U.S.*, S. Ct. 1304 (1957); *A book named ‘John Cleland’s Memoirs of a Woman of Pleasure,’ et al., v. Attorney General of the Commonwealth of Massachusetts*, 86 S. Ct. 975 (1965); *Miller v. California*, 413 U.S. 15 (1973).

¹⁷ *Miller v. California*, 413 U.S. 15 (1973).

- The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.¹⁸

In addressing the contemporary community standard, the court in *Miller* stated “to require a state to structure obscenity proceedings around evidence of a national ‘community standard’ would be an exercise in futility,” and held that the requirement of the jury to evaluate the materials with reference to contemporary standards of the State is constitutionally adequate.¹⁹

Material Harmful to Minors

The power of the state to control the conduct of children reaches beyond the scope of its authority over adults. The state may give minors a more restricted right than that assured to adults to determine for themselves what sex material they may read or see.²⁰ The U.S. Supreme Court held in *Ginsberg*, that a statute which defined obscenity of material on a basis of its appeal to minors, by prohibiting the sale of obscene material harmful to minors, to youths had a rational relation to the objective of safeguarding such minors from harm, and was constitutionally valid.²¹

Further, courts have found that the state has a “‘compelling interest in protecting the physical and psychological well-being of minors’ which ‘extends to shielding minors from the influence of literature that is not obscene by adult standards.’ In doing so, however, the means must be narrowly tailored to achieve that end so as not to unnecessarily deny adults access to material which is constitutionally protected indecent material. No similar tailoring is required when the material is obscene material, which is not protected by the First Amendment.”²²

Despite the Court’s clear ruling that a state may regulate material harmful to minors, but not obscene for adults, some statutes have been found unconstitutionally overbroad and criminalized constitutionally protected speech. For example, in *Powell’s Books Inc. v. Kroger*, the Ninth Circuit Court of Appeals struck down a pair of statutes aimed at prohibiting “luring” and “grooming.”²³ The first statute struck down in this case criminalized providing children under the age of 13 with sexually explicit material, and the second statute criminalized providing minors under the age of 18 with visual, verbal, or narrative descriptions of sexual conduct for the purpose of sexually arousing the minor or the furnisher, or inducing the minor to engage in sexual conduct.²⁴

In *Powell’s Books, Inc.*, the court found that speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed simply to protect youth from ideas or images legislators find unsuitable. “To criminalize furnishing material solely intended to titillate the reader will certainly sweep up some material that appeals to the prurient interests of children and minors, but it will also criminalize a broad swath of material that does not appeal to prurient interests.”²⁵ The court found that the statutes were overbroad and reached far more material than hardcore pornography or material that is obscene to minors.

¹⁸ *Id.* at 24.

¹⁹ *Id.* at 33-34.

²⁰ *Ginsberg v. New York*, 88 S. Ct. 1274 (1968).

²¹ *Id.* at 1282

²² *Simmons v. State*, 944 So. 2d 317 (Fla. 2006). See also *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244-45 (2002).

²³ See *Powell’s Books, Inc. v. Kroger*, 622 F. 3d 1202 (2010).

²⁴ *Powell’s Books, Inc. v. Kroger*, 622 F. 3d 1202, 1206-07 (2010).

²⁵ *Id.* at 1214-15.

Similarly, in 2011, in *Entertainment Merchants*, the U.S. Supreme Court found that even where the protection of children is the object the constitutional limits on governmental action apply. While *Entertainment Merchants* did not address obscenity directly, it held a statute that regulated violent video games for minors was unconstitutional, and in doing so, noted that minors are guaranteed protections of the First Amendment.

Minors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well defined circumstances may government bar public dissemination of protected materials to them. No doubt a state possesses legitimate power to protect children from harm, but that does not include a free floating power to restrict the ideas to which children may be exposed. Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them.²⁶

Florida Transmission of Material Harmful to Minors

Because the state may modify the test for obscenity as it relates to what is obscene (or “harmful to minors”), courts have upheld the *Miller* test, as modified for minors. The *Miller* test is incorporated into Florida’s definition of what is “harmful to minors” in s. 847.001(7), F.S., and “obscenity” in s. 847.001(12), F.S.

Section 847.001(7), F.S., defines “harmful to minors” as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement²⁷ when it:

- Predominantly appeals to a prurient, shameful, or morbid interest;
- Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct *for minors*; and
- Taken as a whole, is without serious literary, artistic, political, or scientific value *for minors*.

Section 847.0138, F.S., provides that:

- Any person who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors to a specific individual known by the defendant to be a minor commits a third degree felony.²⁸
- Any person in any jurisdiction other than this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, to a specific individual known by the defendant to be a minor commits a third degree felony.^{29,30}

²⁶ *Brown, Governor of California, et al., Entertainment Merchants Ass’n et al.*, 131 S. Ct. 2729, 2735-36 (2011) (citing *Ernoznik v. Jacksonville*, 422 U.S. 205 (1975); *Ginsberg v. New York*, 88 S. Ct. 1274 (1968); *Prince v. Massachusetts*, 321 U.S. 158 (1944)).

²⁷ Section 847.001(20), F.S., defines “sexual excitement” as the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

²⁸ Section 847.0138(2), F.S.

²⁹ Section 847.0138(3), F.S.

³⁰ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

The Supreme Court of Florida has upheld Florida's criminal laws relating to the transmission of harmful materials. In *Simmons*, the court noted that sexual expression which is indecent but not obscene is protected by the First Amendment, however the state may regulate the content of constitutionally protected speech in order to promote a compelling interest if it chooses the least restrictive means to further the articulated interest.

The court in *Simmons* found that the term harmful to minors is adequately defined by a reference to the three prong miller standard, as modified to apply to minors. The court also noted that the third prong in Miller is particularly important because it allows appellate courts to impose some limitations and regularity on the definition.³¹

K-12 Student and Parent Rights

Parents of public school students are required by law to receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child succeed in school.³² K-12 students and their parents are afforded numerous statutory rights pertaining to student education, including reproductive health and disease education.³³

Florida law requires district school boards to provide comprehensive health education that among other issues addresses community health, family life (including awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy), personal health, and the prevention and control of disease. One right a parent of a public school student has is to make a written request to the school principal to exempt his or her student from reproductive health and disease instruction, including instruction relating to HIV/AIDS. If such a request is made the student must be exempt from such instruction and may not be penalized.³⁴

Health education is included in the required instruction to ensure that students meet Florida State Board of Education (SBE) standards. Course curriculum refers to the lessons and academic content taught in a school or specific course. It may include but is not limited to a course syllabus and standards, instructional materials, or other resources an instructor may use in the class. Standards and instructional materials are subject to specific selection, adoption, and review processes.³⁵

Instructional Materials

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials or establish their own review and adoption program. District school boards receive state funding for instructional materials through the instructional materials allocation.

³¹ *Simmons v. Florida*, 944 So. 2d 317 (2006).

³² Section 1002.20, F.S.

³³ *Id.*

³⁴ Section 1003.42(5), F.S.

³⁵ Florida Department of Education, Healthy Schools, *Comprehensive Health Education*, available at: <https://www.fldoe.org/schools/healthy-schools/comprehensive-health-edu.stml> (last visited March 13, 2025).

Each district school board is responsible for the content of all instructional materials and any other materials used in the classroom, made available in a school library, or included on a reading list. Each district school board must maintain on its website a current list of instructional materials, purchased by the district, separated by grade level. Florida law establishes that the parent of a public school student has the right to receive effective communication from the school principal about the manner in which instructional materials are used to implement curricular objectives.³⁶

District school boards are required to adopt a policy for objections by a parent or resident of the county to the use of a specific instructional material.³⁷ The policy must clearly describe a process, in which the objector has the opportunity to provide specific evidence to the district school board, and provide for resolution. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

- An instructional material does not meet the criteria of s. 1006.31(2), F.S.,³⁸ or s. 1006.40(3)(c), F.S.,³⁹ if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b), F.S.
- Any material used in a classroom, made available in a school or classroom library, or included in a reading list contains content which:
 - Is pornographic or prohibited under s. 847.012, F.S.;
 - Depicts or describes sexual conduct,⁴⁰ unless such material is for a course relating to health education and the instruction in acquired immune deficiency syndrome (AIDS),⁴¹ the prevention of child sexual abuse, exploitation, and human trafficking,⁴² the awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy for grades 6 through 12,⁴³ or is identified by State Board of Education rule;
 - Is not suited to student needs and their ability to comprehend the material presented; or,
 - Is inappropriate for the grade level and age group for which the material is used.

³⁶ Section 1006.28(4)(a), F.S.

³⁷ Section 1006.28(2)(a)2., F.S.

³⁸ Section 1006.31(2), F.S., provides, along with additional requirements, instructional materials recommended by a reviewer must be, accurate, objective, balanced, noninflammatory, current, free of pornography and prohibited material, and suited to student needs and their ability to comprehend the material presented.

³⁹ Section 1006.40(3)(c), F.S. requires any instructional materials purchased must be free of pornography or prohibited material, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

⁴⁰ “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulated that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct”. Section 847.001(19), F.S.

⁴¹ Section 1003.46, F.S.

⁴² Section 1003.42(2)(o)1.g., F.S.

⁴³ Section 1003.42(2)(o)3., F.S.

III. Effect of Proposed Changes:

The bill amends s. 1006.28, F.S., to add a modified definition for material that is “harmful to minors.”

“Harmful to minors” is defined as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

- Predominantly appeals to a prurient, shameful, or morbid interest; and
- Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors.

The bill does not include the requirement that the material, taken as a whole, is without serious literary, artistic, political, or scientific value for minors, for it to be considered harmful to minors, for the purpose of a parent or resident objecting to educational materials.

Additionally, the bill revises what materials a parent or resident may object to. A parent or resident may object to any material used in a classroom, made available in a school or classroom library, or included in a reading list that contains content which depicts or describes sexual conduct, unless such material is *specifically authorized as part of a health education course, comprehensive health education, or approved through the State Board of Education for specific educational purposes.*

The bill provides such materials must be removed within 5 school days upon receipt of an objection by a parent or resident of the county and must remain unavailable throughout the objection review process. The school board may not consider potential literary, artistic, political, or scientific value as a basis for retaining the material.

The SBE is required to monitor district compliance through regular audits and reporting, notify a district of such noncompliance, and require the district to submit a corrective action plan within 30 days of receiving such notice. Additionally, the SBE may withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified by the Legislature until the school district complies and may impose additional sanctions or requirements as conditions for the continued receipt of state funds.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The First Amendment of the U.S. Constitution states that, “Congress shall make no law ... abridging the freedom of speech...” This language prohibits the government from having the ability to constrain the speech of citizens. However, materials that constitute child pornography, obscenity, or material harmful to minors may be restricted. Child pornography, obscenity, and material harmful to minors have been defined in ch. 847, F.S., and are consistent with federal law and the United States Supreme Court holdings regarding such laws.

The bill maintains the definition for what is considered harmful to minors within ch. 847, F.S., thus maintaining the constitutionality of Florida’s criminal statutes relating to harmful materials. However, the bill removes one of the prongs of the “*Miller Test*,” as modified for what is considered material harmful to minors for purposes of objecting to educational materials.

The U.S. Supreme Court has held that local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’⁴⁴ Under the bill, a parent or resident may object to educational material, even if such material has a serious literary, artistic, political, or scientific value for minors. Therefore, material that is not considered “harmful to minors” under the constitutionally approved standard, may be objected to. The modification of the *Miller* test by removal of such value requirement may subject the law to challenges under the First Amendment.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

⁴⁴ *Board of Educ., Island trees Union free School District No. 26 et al., v. Pico*, 102 S. Ct. 2799 (1982).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1006.28 and 1014.05.

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 Committee on March 18, 2025:

The committee substitute:

- Removes the language amending the definition of “harmful to minors” in s. 847.001, F.S., and removes the corresponding chapter 847 statutes being reenacted by this change.
- Adds a modified definition for “harmful to minors” under s. 1006.28, F.S.

B. Amendments:

None.



945504

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) and paragraph (a) of subsection
(2) of section 1006.28, Florida Statutes, is amended to read
1006.28 Duties of district school board, district school
superintendent; and school principal regarding K-12
instructional materials.—

(1) DEFINITIONS.—

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



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11 1. "Adequate instructional materials" means a sufficient
12 number of student or site licenses or sets of materials that are
13 available in bound, unbound, kit, or package form and may
14 consist of hardbacked or softbacked textbooks, electronic
15 content, consumables, learning laboratories, manipulatives,
16 electronic media, and computer courseware or software that serve
17 as the basis for instruction in the core subject areas of
18 mathematics, language arts, social studies, science, reading,
19 and literature.

20 2. "Harmful to minors" means any reproduction, imitation,
21 characterization, description, exhibition, presentation, or
22 representation, of whatever kind or form, depicting nudity,
23 sexual conduct, or sexual excitement when it:

24 (a) Predominantly appeals to prurient, shameful, or morbid
25 interest; and

26 (b) Is patently offensive to prevailing standards in the
27 adult community as a whole with respect to what is suitable
28 material or conduct for minors.

29 ~~3.2.~~ "Instructional materials" has the same meaning as in
30 s. 1006.29(2).

31 ~~4.3.~~ "Library media center" means any collection of books,
32 ebooks, periodicals, or videos maintained and accessible on the
33 site of a school, including in classrooms.

34 (b) As used in this section and s. 1006.283, the term
35 "resident" means a person who has maintained his or her
36 residence in this state for the preceding year, has purchased a
37 home that is occupied by him or her as his or her residence, or
38 has established a domicile in this state pursuant to s. 222.17.

39 (c) As used in this section and ss. 1006.283, 1006.32,



945504

1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term
"purchase" includes purchase, lease, license, and acquire.

(2) DISTRICT SCHOOL BOARD.—The district school board has
the constitutional duty and responsibility to select and provide
adequate instructional materials for all students in accordance
with the requirements of this part. The district school board
also has the following specific duties and responsibilities:

(a) *Courses of study; adoption.*—Adopt courses of study,
including instructional materials, for use in the schools of the
district.

1. Each district school board is responsible for the
content of all instructional materials and any other materials
used in a classroom, made available in a school or classroom
library, or included on a reading list, whether adopted and
purchased from the state-adopted instructional materials list,
adopted and purchased through a district instructional materials
program under s. 1006.283, or otherwise purchased or made
available.

2. Each district school board must adopt a policy regarding
an objection by a parent or a resident of the county to the use
of a specific material, which clearly describes a process to
handle all objections and provides for resolution. The objection
form, as prescribed by State Board of Education rule, and the
district school board's process must be easy to read and
understand and be easily accessible on the homepage of the
school district's website. The objection form must also identify
the school district point of contact and contact information for
the submission of an objection. The process must provide the
parent or resident the opportunity to proffer evidence to the



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district school board that:

a. An instructional material does not meet the criteria of s. 1006.31(2) or s. 1006.40(3)(c) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

b. Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

(I) Is pornographic or prohibited under s. 847.012;

(II) Is considered harmful to minors as defined by this section or depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is specifically authorized as part of a health education course required under s. 1003.46; as part of comprehensive health education required under s. 1003.42(2)(o)1.g. or 3.; or as approved through for a course required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or identified by State Board of Education rule for specific educational purposes.

(A) Upon receipt of an objection under this sub-sub-subparagraph regarding material that is harmful to minors, the material must be removed within 5 school days; the material must remain unavailable throughout the objection review process; and the school board may not consider potential literary, artistic, political, or scientific value as a basis for retaining the material.

(B) The State Board of Education shall monitor district compliance with the requirements of this sub-sub-subparagraph



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through regular audits and reporting. Upon finding that a district has failed to comply with these requirements, the State Board of Education must provide written notice of noncompliance to the district and require the district to submit a corrective action plan within 30 days after receiving such notice; may withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified by the Legislature until the school district complies with the requirements; and may impose additional sanctions or requirements as conditions for the continued receipt of state funds.

(III) Is not suited to student needs and their ability to comprehend the material presented; or

(IV) Is inappropriate for the grade level and age group for which the material is used.

A resident of the county who is not the parent or guardian of a student with access to school district materials may not object to more than one material per month. The State Board of Education may adopt rules to implement this provision. Any material that is subject to an objection on the basis of sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be removed within 5 school days after receipt of the objection and remain unavailable to students of that school until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-sub-subparagraph b.(I), the school district shall discontinue the



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127 use of the material in the school district. If the district
128 school board finds that any material meets the requirements
129 under sub-subparagraph a. or that any other material contains
130 prohibited content under sub-sub-subparagraph b.(I), the school
131 district shall discontinue use of the material. If the district
132 school board finds that any other material contains prohibited
133 content under sub-sub-subparagraphs b.(II)-(IV), the school
134 district shall discontinue use of the material for any grade
135 level or age group for which such use is inappropriate or
136 unsuitable.

137 3. Each district school board must establish a process by
138 which the parent of a public school student or a resident of the
139 county may contest the district school board's adoption of a
140 specific instructional material. The parent or resident must
141 file a petition, on a form provided by the school board, within
142 30 calendar days after the adoption of the instructional
143 material by the school board. The school board must make the
144 form available to the public and publish the form on the school
145 district's website. The form must be signed by the parent or
146 resident, include the required contact information, and state
147 the objection to the instructional material based on the
148 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days
149 after the 30-day period has expired, the school board must, for
150 all petitions timely received, conduct at least one open public
151 hearing before an unbiased and qualified hearing officer. The
152 hearing officer may not be an employee or agent of the school
153 district. The hearing is not subject to the provisions of
154 chapter 120; however, the hearing must provide sufficient
155 procedural protections to allow each petitioner an adequate and



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156 fair opportunity to be heard and present evidence to the hearing
157 officer. The school board's decision after convening a hearing
158 is final and not subject to further petition or review.

159 4. Meetings of committees convened for the purpose of
160 ranking, eliminating, or selecting instructional materials for
161 recommendation to the district school board must be noticed and
162 open to the public in accordance with s. 286.011. Any committees
163 convened for such purposes must include parents of students who
164 will have access to such materials.

165 5. Meetings of committees convened for the purpose of
166 resolving an objection by a parent or resident to specific
167 materials must be noticed and open to the public in accordance
168 with s. 286.011. Any committees convened for such purposes must
169 include parents of students who will have access to such
170 materials.

171 6. If a parent disagrees with the determination made by the
172 district school board on the objection to the use of a specific
173 material, a parent may request the Commissioner of Education to
174 appoint a special magistrate who is a member of The Florida Bar
175 in good standing and who has at least 5 years' experience in
176 administrative law. The special magistrate shall determine facts
177 relating to the school district's determination, consider
178 information provided by the parent and the school district, and
179 render a recommended decision for resolution to the State Board
180 of Education within 30 days after receipt of the request by the
181 parent. The State Board of Education must approve or reject the
182 recommended decision at its next regularly scheduled meeting
183 that is more than 7 calendar days and no more than 30 days after
184 the date the recommended decision is transmitted. The costs of



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the special magistrate shall be borne by the school district.
The State Board of Education shall adopt rules, including forms,
necessary to implement this subparagraph.

Section 2. For the purpose of incorporating the amendment
made by this act to section 1006.28, Florida Statutes, in a
reference thereto, paragraph (c) of subsection (1) of section
1014.05, Florida Statutes, is reenacted to read:

1014.05 School district notifications on parental rights.—

(1) Each district school board shall, in consultation with
parents, teachers, and administrators, develop and adopt a
policy to promote parental involvement in the public school
system. Such policy must include:

(c) Procedures, pursuant to s. 1006.28(2)(a)2., for a
parent to object to instructional materials and other materials
used in the classroom. Such objections may be based on beliefs
regarding morality, sex, and religion or the belief that such
materials are harmful. For purposes of this section, the term
“instructional materials” has the same meaning as in s.
1006.29(2) and may include other materials used in the
classroom, including workbooks and worksheets, handouts,
software, applications, and any digital media made available to
students.

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



945504

214 An act relating to material that is harmful to minors;
215 amending 1006.28, F.S.,; defining the term "harmful to
216 minors"; revising the list of materials used in a
217 classroom which are subject to the objection process
218 by parents or residents; reenacting s. 1014.05(1)(c),
219 F.S., relating to school district notifications on
220 parental rights to incorporate the amendment to s.
221 1006.28, F.S., in a reference thereto; providing an
222 effective date.

By Senator McClain

9-00535A-25

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A bill to be entitled

An act relating to material that is harmful to minors; amending s. 847.001, F.S.; revising the definition of the term "harmful to minors"; amending s. 1006.28, F.S.; revising the list of materials used in a classroom which are subject to the objection process by parents or residents; reenacting ss. 847.012(3), 847.0134(1), 847.0138(2) and (3), and 847.0141(1), F.S., relating to harmful materials and the prohibition against the sale or distribution to minors or using minors in a production, the prohibition against adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of a school, the prohibition against transmission to a minor of material harmful to minors by electronic device or equipment, and sexting and related prohibited acts, respectively, to incorporate the amendment made to s. 847.001, F.S., in references thereto; reenacting s. 1014.05(1)(c), F.S., relating to school district notifications on parental rights, to incorporate the amendment made to s. 1006.28, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (7) of section 847.001, Florida Statutes, is amended to read:
847.001 Definitions.—As used in this chapter, the term:

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(7) "Harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

(a) Predominantly appeals to a prurient, shameful, or morbid interest;

(b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

(c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors. This paragraph does not apply to such reproduction, imitation, characterization, description, exhibition, presentation, or representation in an educational setting or to a determination made by an employee of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or private, with regard to such material if the material is possessed by a person with the intent to send, sell, distribute, exhibit, represent, or display it to a minor and is not part of an approved instructional or library material.

A mother's breastfeeding of her baby is not under any circumstance "harmful to minors."

Section 2. Paragraph (a) of subsection (2) of section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(2) DISTRICT SCHOOL BOARD.—The district school board has

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the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The district school board also has the following specific duties and responsibilities:

(a) *Courses of study; adoption.*—Adopt courses of study, including instructional materials, for use in the schools of the district.

1. Each district school board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school or classroom library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available.

2. Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution. The objection form, as prescribed by State Board of Education rule, and the district school board's process must be easy to read and understand and be easily accessible on the homepage of the school district's website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

a. An instructional material does not meet the criteria of s. 1006.31(2) or s. 1006.40(3)(c) if it was selected for use in

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a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

b. Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

(I) Is pornographic or prohibited under s. 847.012;

(II) Depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is specifically authorized as part of a health education course required under s. 1003.46; as part of comprehensive health education required under s. 1003.42(2)(o)1.g. or 3.; or as approved through for a course required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or identified by State Board of Education rule for specific educational purposes.

(A) Upon receipt of an objection under this sub-sub-subparagraph regarding material that depicts or describes sexual conduct, the material must be removed within 5 school days; the material must remain unavailable throughout the objection review process; and the school board may not consider potential literary, artistic, political, or scientific value as a basis for retaining the material.

(B) The State Board of Education shall monitor district compliance with the requirements of this sub-sub-subparagraph through regular audits and reporting. Upon finding that a district has failed to comply with these requirements, the State Board of Education shall provide written notice of noncompliance to the district; may withhold the transfer of state funds,

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discretionary grant funds, discretionary lottery funds, or any other funds specified by the Legislature until the school district complies with the requirements; shall require the district to submit a corrective action plan within 30 days after receiving notice of noncompliance; and may impose additional sanctions or requirements as conditions for the continued receipt of state funds;

(III) Is not suited to student needs and their ability to comprehend the material presented; or

(IV) Is inappropriate for the grade level and age group for which the material is used.

A resident of the county who is not the parent or guardian of a student with access to school district materials may not object to more than one material per month. The State Board of Education may adopt rules to implement this provision. Any material that is subject to an objection on the basis of sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be removed within 5 school days after receipt of the objection and remain unavailable to students of that school until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-sub-subparagraph b.(I), the school district shall discontinue the use of the material in the school district. If the district school board finds that any material meets the requirements under sub-subparagraph a. or that any other material contains prohibited content under sub-sub-subparagraph b.(I), the school

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district shall discontinue use of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraphs b.(II)-(IV), the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

3. Each district school board must establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days after the 30-day period has expired, the school board must, for all petitions timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The school board's decision after convening a hearing is final and not subject to further petition or review.

4. Meetings of committees convened for the purpose of

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ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

5. Meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

6. If a parent disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

Section 3. For the purpose of incorporating the amendment

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made by this act to section 847.001, Florida Statutes, in a reference thereto, subsection (3) of section 847.012, Florida Statutes, is reenacted to read:

847.012 Harmful materials; sale or distribution to minors or using minors in production prohibited; penalty.—

(3) A person may not knowingly sell, rent, or loan for monetary consideration to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors; or

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in s. 847.001, explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.

Section 4. For the purpose of incorporating the amendment made by this act to section 847.001, Florida Statutes, in a reference thereto, subsection (1) of section 847.0134, Florida Statutes, is reenacted to read:

847.0134 Prohibition of adult entertainment establishment that displays, sells, or distributes materials harmful to minors within 2,500 feet of a school.—

(1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells,

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rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, or presents live entertainment or a motion picture, slide, or other exhibit that, in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s. 125.66(5) for counties or s. 166.041(3)(c) for municipalities.

Section 5. For the purpose of incorporating the amendment made by this act to section 847.001, Florida Statutes, in references thereto, subsections (2) and (3) of section 847.0138, Florida Statutes, are reenacted to read:

847.0138 Transmission of material harmful to minors to a minor by electronic device or equipment prohibited; penalties.—

(2) Notwithstanding ss. 847.012 and 847.0133, any person who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor commits a felony

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of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 6. For the purpose of incorporating the amendment made by this act to section 847.001, Florida Statutes, in a reference thereto, subsection (1) of section 847.0141, Florida Statutes, is reenacted to read:

847.0141 Sexting; prohibited acts; penalties.—

(1) A minor commits the offense of sexting if he or she knowingly:

(a) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined in s. 847.001, and is harmful to minors, as defined in s. 847.001.

(b) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined in s. 847.001, and is harmful to minors, as defined in s. 847.001. A minor does not violate this paragraph if all of the following apply:

1. The minor did not solicit the photograph or video.

2. The minor took reasonable steps to report the photograph or video to the minor's legal guardian or to a school or law enforcement official.

3. The minor did not transmit or distribute the photograph or video to a third party.

Section 7. For the purpose of incorporating the amendment

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made by this act to section 1006.28, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 1014.05, Florida Statutes, is reenacted to read:

1014.05 School district notifications on parental rights.-

(1) Each district school board shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public school system. Such policy must include:

(c) Procedures, pursuant to s. 1006.28(2)(a)2., for a parent to object to instructional materials and other materials used in the classroom. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials are harmful. For purposes of this section, the term "instructional materials" has the same meaning as in s. 1006.29(2) and may include other materials used in the classroom, including workbooks and worksheets, handouts, software, applications, and any digital media made available to students.

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

The Florida Senate

APPEARANCE RECORD

3/18/25

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

945504

Amendment Barcode (if applicable)

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

Name

Stephana Ferrell

Phone

Address

Street

Winter Garden

City

FL

State

34787

Zip

Email

stephana.ferrell.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:

☒

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

Florida Freedom to Read Project

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

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3/18/2025

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

945504

Amendment Barcode (if applicable)

Name Erin Decker

Phone 409 544 5910

Address 713 Bittern Way
Street

Email enn@whiterose

Kissimmee FL 34759
City State Zip

booksandmore.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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

March 18, 2025

Meeting Date
Criminal Justice

Committee
Name Stephana Ferrell

Address
Street
Winter Garden FL 34787
City State Zip

The Florida Senate
APPEARANCE RECORD

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

SB 1692

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

Email stephana@fftrp.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:

Florida Freedom to Read Project

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

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3/18/25

Meeting Date

11692

Bill Number or Topic

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name Brenda Fern

Phone 754-321-2006

Address 600 S.E. Third Ave

Street

Email

Ft. LAUDERDALE FL 33324

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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3/18/25

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryan Kennedy

Phone

239-671-5733

Address

5572 Cobalto way

Email

Ryan@90flica.org

Street

Ave maria

City

FL

State

34142

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 Citizens
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

3/18/25

Meeting Date

Criminal Justice

Committee

SB1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tessa Quinones

Phone

305-962-5989

Address

P.O. Box 151848

Street

Cape Coral FL

City

State

33993

Zip

Email

tbdx511@gmail.com

FS 119.071(4)(d)

Former law enforcement personnel

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

Deliver both copies of this form to
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3/18/25

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone 904-608-4471

Address PO Box 530103

Street

Email aaron.d@flfamily.org

Orlando

City

FL

State

32853

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Family Voice

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

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S-001 (08/10/2021)

3/18/2025

Meeting Date

The Florida Senate
APPEARANCE RECORD

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11692

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Erin Decker

Phone

4695445910

Address

713 Bittern Way

Email

erin@whiterosebooks
and more,
com

Street

Kissimmee

FL

34759

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

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MARCH 18, 2025

Meeting Date

SB 1692

Bill Number or Topic

CRIMINAL JUSTICE

Committee

Amendment Barcode (if applicable)

Name KATHLEEN MURRAY

Phone 757-438-6790

Address 11674 GRAN CRIQUE CT N
Street

Email kmurray@cccfusa.com

JACKSONVILLE FL 32223
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
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3/18/25

Meeting Date

SB 1692

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name Mary valenzuela

Phone 206-849-1948

Address 4539 Jubilee TH
Street

Email mgvalenzmd@icloud.com

Tallahassee

City

FL

State

32305

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

S-001 (08/10/2021)

March 18, 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

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1692

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/18/25

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name

John Labriola

Phone

954-515-2084

Address

Po Box 650216

Email

John.Labriola@cfcfloida.net

Street

Miami

City

FL

State

33265

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Christian Family Coalition Florida

☐

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

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

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S-001 (08/10/2021)

March 18, 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

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SB 1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kellee Moye

Phone 4072573994

Address

Street

Winter Park

City

FL

State

32792

Zip

Email

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)

March 18, 2025

Meeting Date
Criminal Justice

Committee
Raegan Miller

Name

Address

Street

St. Petersburg

FL

33703

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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SB 1692

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

Email

raegan@fftrp.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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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March 18, 2025

Meeting Date

Criminal Justice

Committee

SB 1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name Shauntel Smith - Florida PTA Phone (407) 855-7604

Address 1747 Orlando Central Parkway Email Legislation@pta.org

Street

Orlando

City

FL

State

32809

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
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/18/25

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Cemantha Crain

Phone

941 544 2534

Address

2511 Tulip St

Street

Email

cemanthacrain@gmail.com

Sarasota

City

FL

State

34239

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
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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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1692

Bill Number or Topic

Amendment Barcode (if applicable)

3/18/2025

Meeting Date

Criminal Justice

Committee

J. Marie B.

Name

Phone

Address

Street

Orlando

FL

32

City

State

Zip

Email

jennise@thebaileytroop.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
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/18/25

Meeting Date

Criminal Justice

Committee

1692

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Laura Fisher

Phone

386-785-7038

Address

1820 Victory Palm Dr

Email

luluscupcakesandmore@gmail.com

Street

Edgewater

City

FL

State

32132

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 1732

INTRODUCER: Criminal Justice Committee and Senator Arrington

SUBJECT: Animal Cruelty

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant/Cellon	Stokes	CJ	Fav/CS
2.	_____	_____	AG	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1732 creates s. 827.12, F.S. to create a third degree felony offense for a person who causes or entices a minor to commit, or in the presence of a minor, commits an offense under the following sections of law:

- Aggravated animal cruelty pursuant to s. 828.12(2), F.S.
- Fighting or baiting animals pursuant to s. 828.122, F.S.
- Sexual activities involving animals pursuant to s. 828.126, F.S.

Additionally, the bill increases the level from a level 1 to a level 5 in the offense severity ranking chart for fighting or baiting animals and provides a level 6 ranking for the offense being created in s. 827.12, F.S.

The bill amends s. 827.04, F.S., relating to contributing to the delinquency of a minor, to create a graduated penalty structure for the offender based on the delinquent act or criminal offense the child committed.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Animal Cruelty

A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a third degree felony punishable as provided in s. 775.082, F.S.,¹ or by a fine of not more than \$10,000, or both.²

Fighting or Baiting Animals

A person who knowingly commits any of the following acts commits a third degree felony:³

- Baiting,⁴ breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting⁵ or baiting;
- Owning, possessing, or selling equipment for use in any such activity;
- Owning, leasing, managing, operating, or having control of any property kept or used for such activities;
- Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
- Performing any service or act to facilitate animal fighting or baiting, including but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
- Removing or facilitating the removal of any animal impounded under s. 828.122, F.S., from an agency where the animal is impounded or from a location designated by the court, without prior authorization from the court.
- Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
- Attending the fighting or baiting of animals.

Sexual Activities Involving Animals

“Sexual contact with an animal” means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:⁶

- Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;
- The fondling of the sex organ or anus of an animal; or

¹ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S. However, the aggravated offense listed in s. 828.12(2), F.S., carries a higher fine.

² Section 828.12(2), F.S.

³ Section 828.122(3)(a)-(h), F.S.

⁴ “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds. Section 828.122(2)(b), F.S.

⁵ “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals. Section 828.122(2)(a), F.S.

⁶ Section 828.126(1)(a)-(c), F.S.

- The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.

A person commits a third degree felony if he or she knowingly:^{7,8}

- Engages in any sexual contact with an animal;
- Causes, aids, or abets another person to engage in any sexual contact with an animal;
- Permits any sexual contact with an animal to be conducted on any premises under his or her charge or control;
- Organizes, promotes, conducts, aids, abets, participates in as an observer, or advertises, offers, or accepts an offer of an animal for the purpose of sexual contact with such animal, or performs any service in the furtherance of an act involving any sexual contact with an animal; or
- Films, distributes, or possesses any pornographic image or video of a person and an animal engaged in any of the prohibited activities.

Criminal Punishment Code

The Criminal Punishment Code⁹ (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).¹⁰ The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony;
- Generally, 30 years to life in state prison for a first degree felony; and
- The death penalty, or life imprisonment without the possibility of parole for a capital felony.¹¹

Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

⁷ Section 828.126(2)(a)-(e), F.S.

⁸ Section 828.126(3), F.S.

⁹ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

¹⁰ Offenses are either ranked in the offense severity level ranking chart in section 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in section 921.0023, F.S.

¹¹ Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.083, F.S., provides the following maximum fines; \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.¹² Absent mitigation,¹³ the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.¹⁴

Contributing to the Delinquency or Dependency of a Minor

As provided in s. 827.04, F.S., a misdemeanor of the first degree is committed by a person who:

- Commits any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or
- Induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of service;

commits a misdemeanor of the first degree¹⁵.

III. Effect of Proposed Changes:

The bill creates penalties for contributing to delinquency of a minor. Currently, the adult who commits this crime is subject only to first degree misdemeanor penalties.

The bill amends s. 827.04, F.S., to add a graduated penalty structure based on the delinquent act or criminal offense the child committed.

¹² Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

¹³ The court may “mitigate” or “depart downward” from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.

¹⁴ If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

¹⁵ A first degree misdemeanor is punishable by up to a year in the county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

The bill provides that a person who commits any act that causes, tends to cause, encourages, or contributes to a child committing an offense that is:

- A felony of the third degree, commits a misdemeanor of the first degree;
- A felony of the second degree, commits a felony of the third degree;
- A felony of the first degree, commits a felony of the second degree;
- A capital felony, commits a felony of the first degree.

The same penalty structure applies for an adult who induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit a delinquent or criminal offense.

The bill creates s. 827.12, F.S., to provide that it is a third degree felony offense, for an adult, to cause or entice a minor to commit, or in the presence of a minor, commits an offense under the following sections of law:

- Aggravated animal cruelty pursuant to s. 828.12(2), F.S.
- Fighting or baiting animals pursuant to s. 828.122, F.S.
- Sexual activities involving animals pursuant to s. 828.126, F.S.

The bill provides that a new offense under s. 827.12, F.S. is a level 6 in the offense severity ranking chart, and increases the level in the offense severity ranking chart for fighting or baiting animals from level 1 to level 5.

The bill makes conforming changes.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None noted.

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 prison bed impact due to the creation of a new sentencing structure for crimes of contributing to the delinquency or dependency of a minor, creating a new third degree felony, as well as increasing the severity of an offense relating to the fighting or baiting of animals which will impact the length of a sentence.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.0022 of the Florida Statutes.
This bill creates section 827.12 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 Committee on March 18, 2025:**

- Adds amends s. 827.04, F.S., to create a graduated penalty structure based on the criminal or delinquent offense the child committed.
- The bill provides penalties for the adult who violates the new (2)(a) or (b), for example, as follows:
 - If the child commits a third degree felony, the adult is subject to first degree misdemeanor penalties.
 - If the child commits a second degree felony, the adult is subject to third degree felony penalties.
 - If the child commits a first degree felony, the adult is subject to second degree felony penalties.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (2) and (3) of section
827.04, Florida Statutes, are redesignated as subsections (3)
and (4), respectively, a new subsection (2) is added to that
section, and subsection (1) of that section is amended, to read:
827.04 Contributing to the delinquency or dependency of a
child; penalty.—



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(1) Except as provided in subsection (2), any person who:

(a) Commits any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or

(b) Induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of services,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) (a) A person who commits any act that causes, tends to cause, encourages, or contributes to a child committing an offense that is:

1. A felony of the third degree, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A felony of the second degree, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A felony of the first degree, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. A capital felony, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit an offense that is:



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1. A felony of the third degree, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A felony of the second degree, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A felony of the first degree, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. A capital felony, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 827.12, Florida Statutes, is created to read:

827.12 Causing or enticing a minor to commit, or committing in the presence of a minor, animal cruelty; penalty.—An individual 18 years of age or older commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she causes or entices a minor to commit, or in the presence of a minor commits, a violation of s. 828.12(2), s. 828.122, or s. 828.126.

Section 3. Paragraphs (a), (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
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67	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
68	104.0616 (2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
69	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
70	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
71	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
72	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
73	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
74			



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75	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
76	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
77	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
78	322.212 (5) (a)	3rd	False application for driver license or identification card.
79	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
80	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.



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81	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
82	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
83	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
84	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
85	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
86	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate



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commission of a felony.

826.01 3rd Bigamy.

~~828.122(3) 3rd Fighting or baiting animals.~~

831.04(1) 3rd Any erasure, alteration,
etc., of any replacement
deed, map, plat, or other
document listed in s. 92.28.

831.31(1)(a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

832.041(1) 3rd Stopping payment with intent
to defraud \$150 or more.

832.05(2)(b) & 3rd Knowing, making, issuing
(4)(c) worthless checks \$150 or
more or obtaining property
in return for worthless
check \$150 or more.

838.15(2) 3rd Commercial bribe receiving.

838.16 3rd Commercial bribery.



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96	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
97	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
98	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
99	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
100	849.25(2)	3rd	Engaging in bookmaking.
101	860.08	3rd	Interfere with a railroad signal.
102	860.13(1)(a)	3rd	Operate aircraft while under the influence.
103	893.13(2)(a)2.	3rd	Purchase of cannabis.
	893.13(6)(a)	3rd	Possession of cannabis (more



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than 20 grams).

934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
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(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license,



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resulting in death or
serious bodily injury.

113

327.30 (5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

114

379.365 (2) (c) 1.

3rd

Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or
imitation stone crab
trap tags; and engaging



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in the commercial
harvest of stone crabs
while license is
suspended or revoked.

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

440.381(2)

3rd

Submission of false,
misleading, or



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			incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
121	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
122	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
123	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
124	790.162	2nd	Threat to throw or discharge destructive device.
125	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.



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126	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
127	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
128	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
129	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
130	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
131	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
132	810.145 (4) (c)	3rd	Commercial digital voyeurism dissemination.
133			



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134	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
135	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
136	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
137	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
138	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
139	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.



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140	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
141	812.081(3)	2nd	Trafficking in trade secrets.
142	812.131(2)(b)	3rd	Robbery by sudden snatching.
143	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
144	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
145	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
146	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring



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entity.

147

817.568 (2) (b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of
injury or fraud, \$5,000
or more or use of
personal identification
information of 10 or
more persons.

148

817.611 (2) (a)

2nd

Traffic in or possess 5
to 14 counterfeit credit
cards or related
documents.

149

817.625 (2) (b)

2nd

Second or subsequent
fraudulent use of
scanning device,
skimming device, or
reencoder.

150

825.1025 (4)

3rd

Lewd or lascivious
exhibition in the
presence of an elderly
person or disabled



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151			adult.
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
152	<u>828.122 (3)</u>	<u>3rd</u>	<u>Fighting or baiting animals.</u>
153	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
154	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
155	843.01 (1)	3rd	Resist officer with violence to person; resist arrest with violence.
156	847.0135 (5) (b)	2nd	Lewd or lascivious



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exhibition using
computer; offender 18
years or older.

157

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

158

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

159

874.05 (1) (b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

160

874.05 (2) (a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

161

893.13 (1) (a) 1.

2nd

Sell, manufacture, or
deliver cocaine (or
other s. 893.03 (1) (a),
(1) (b), (1) (d), (2) (a),



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(2) (b), or (2) (c) 5.
drugs).

162

893.13 (1) (c) 2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

163

893.13 (1) (d) 1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03 (1) (a),
(1) (b), (1) (d), (2) (a),
(2) (b), or (2) (c) 5.
drugs) within 1,000 feet
of university.

164

893.13 (1) (e) 2.

2nd

Sell, manufacture, or
deliver cannabis or



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other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

165

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), or
(2)(a), (2)(b), or
(2)(c)5. drugs) within
1,000 feet of public
housing facility.

166

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

167

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.



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168

169

170 (f) LEVEL 6

171

Florida
Statute

Felony
Degree

Description

172

316.027 (2) (b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

173

316.193 (2) (b)

3rd

Felony DUI, 4th or
subsequent conviction.

174

400.9935 (4) (c)

2nd

Operating a clinic, or
offering services
requiring licensure,
without a license.

175

499.0051 (2)

2nd

Knowing forgery of
transaction history,
transaction information,
or transaction
statement.

176

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.



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177	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
178	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
179	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
180	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
181	784.041	3rd	Felony battery; domestic battery by strangulation.
182	784.048 (3)	3rd	Aggravated stalking; credible threat.
183	784.048 (5)	3rd	Aggravated stalking of person under 16.
184	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
185	784.074 (1) (b)	2nd	Aggravated assault on



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sexually violent
predators facility
staff.

186

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

187

784.081 (2)

2nd

Aggravated assault on
specified official or
employee.

188

784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

189

784.083 (2)

2nd

Aggravated assault on
code inspector.

190

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

191

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

192



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193	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
194	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
195	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
196	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
197	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older



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198			but less than 16 years of age; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
199			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
200			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
201			
	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
202			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
203			
	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.



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204	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
205	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
206	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
207	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
208	812.015 (9) (e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
209	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
210			



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211	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
212	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
213	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
214	817.5695 (3) (b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
215	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
216	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or



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			disabled adult.
217	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
218	827.03 (2) (c)	3rd	Abuse of a child.
219	827.03 (2) (d)	3rd	Neglect of a child.
220	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
221	<u>827.12</u>	<u>3rd</u>	<u>Causing or enticing a minor to commit, or committing in the presence of a minor, animal cruelty.</u>
222	828.126 (3)	3rd	Sexual activities involving animals.
223	836.05	2nd	Threats; extortion.
224			



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225	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
226	843.12	3rd	Aids or assists person to escape.
227	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
228	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
229	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	893.131	2nd	Distribution of controlled substances



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230			resulting in overdose or serious bodily injury.
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
231			
	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
232			
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
233			
	944.40	2nd	Escapes.
234			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
235			
	944.47 (1) (a) 5.	2nd	Introduction of



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contraband (firearm,
weapon, or explosive)
into correctional
facility.

951.22 (1) (i)

3rd

Firearm or weapon
introduced into county
detention facility.

(g) LEVEL 7

Florida
Statute

Felony
Degree

Description

316.027 (2) (c)

1st

Accident involving death,
failure to stop; leaving
scene.

316.193 (3) (c) 2.

3rd

DUI resulting in serious
bodily injury.

316.1935 (3) (b)

1st

Causing serious bodily
injury or death to another
person; driving at high
speed or with wanton
disregard for safety while
fleeing or attempting to
elude law enforcement



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			officer who is in a patrol vehicle with siren and lights activated.
244	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
245	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
246	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
247	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
248	456.065 (2)	3rd	Practicing a health care profession without a license.
249	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.



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250	458.327 (1)	3rd	Practicing medicine without a license.
251	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
252	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
253	461.012 (1)	3rd	Practicing podiatric medicine without a license.
254	462.17	3rd	Practicing naturopathy without a license.
255	463.015 (1)	3rd	Practicing optometry without a license.
256	464.016 (1)	3rd	Practicing nursing without a license.
257	465.015 (2)	3rd	Practicing pharmacy without a license.
258	466.026 (1)	3rd	Practicing dentistry or



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259			dental hygiene without a license.
	467.201	3rd	Practicing midwifery without a license.
260			
	468.366	3rd	Delivering respiratory care services without a license.
261			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
262			
	483.901 (7)	3rd	Practicing medical physics without a license.
263			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
264			
	484.053	3rd	Dispensing hearing aids without a license.
265			
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000



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and there were five or
more victims.

266

560.123(8)(b)1.

3rd

Failure to report currency
or payment instruments
exceeding \$300 but less
than \$20,000 by a money
services business.

267

560.125(5)(a)

3rd

Money services business by
unauthorized person,
currency or payment
instruments exceeding \$300
but less than \$20,000.

268

655.50(10)(b)1.

3rd

Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by financial
institution.

269

775.21(10)(a)

3rd

Sexual predator; failure
to register; failure to
renew driver license or
identification card; other
registration violations.

270

775.21(10)(b)

3rd

Sexual predator working
where children regularly



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congregate.

271

775.21(10)(g)

3rd

Failure to report or
providing false
information about a sexual
predator; harbor or
conceal a sexual predator.

272

782.051(3)

2nd

Attempted felony murder of
a person by a person other
than the perpetrator or
the perpetrator of an
attempted felony.

273

782.07(1)

2nd

Killing of a human being
by the act, procurement,
or culpable negligence of
another (manslaughter).

274

782.071

2nd

Killing of a human being
or unborn child by the
operation of a motor
vehicle in a reckless
manner (vehicular
homicide).

275

782.072

2nd

Killing of a human being
by the operation of a
vessel in a reckless



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			manner (vessel homicide).
276	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
277	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
278	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
279	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
280	784.048 (7)	3rd	Aggravated stalking; violation of court order.
281	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
282	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
283	784.08 (2) (a)	1st	Aggravated battery on a



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284			person 65 years of age or older.
	784.081(1)	1st	Aggravated battery on specified official or employee.
285			
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
286			
	784.083(1)	1st	Aggravated battery on code inspector.
287			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
288			
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
289			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).



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290	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
291	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
292	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
293	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
294	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
295	790.23	1st,PBL	Possession of a firearm by a person who qualifies for



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the penalty enhancements
provided for in s. 874.04.

794.08 (4)

3rd

Female genital mutilation;
consent by a parent,
guardian, or a person in
custodial authority to a
victim younger than 18
years of age.

796.05 (1)

1st

Live on earnings of a
prostitute; 2nd offense.

796.05 (1)

1st

Live on earnings of a
prostitute; 3rd and
subsequent offense.

800.04 (5) (c) 1.

2nd

Lewd or lascivious
molestation; victim
younger than 12 years of
age; offender younger than
18 years of age.

800.04 (5) (c) 2.

2nd

Lewd or lascivious
molestation; victim 12
years of age or older but
younger than 16 years of
age; offender 18 years of
age or older.



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301	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
302	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
303	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
304	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
305	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
306	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
307	812.014 (2) (a) 1.	1st	Property stolen, valued at



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\$100,000 or more or a
semitrailer deployed by a
law enforcement officer;
property stolen while
causing other property
damage; 1st degree grand
theft.

308

812.014 (2) (b) 2.

2nd

Property stolen, cargo
valued at less than
\$50,000, grand theft in
2nd degree.

309

812.014 (2) (b) 3.

2nd

Property stolen, emergency
medical equipment; 2nd
degree grand theft.

310

812.014 (2) (b) 4.

2nd

Property stolen, law
enforcement equipment from
authorized emergency
vehicle.

311

812.014 (2) (g)

2nd

Grand theft; second
degree; firearm with
previous conviction of s.
812.014 (2) (c) 5.

312

812.0145 (2) (a)

1st

Theft from person 65 years
of age or older; \$50,000



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			or more.
313	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
314	812.131 (2) (a)	2nd	Robbery by sudden snatching.
315	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
316	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
317	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
318	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
319	817.234 (11) (c)	1st	Insurance fraud; property



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value \$100,000 or more.

320

817.2341
(2) (b) & (3) (b)

1st

Making false entries of
material fact or false
statements regarding
property values relating
to the solvency of an
insuring entity which are
a significant cause of the
insolvency of that entity.

321

817.418 (2) (a)

3rd

Offering for sale or
advertising personal
protective equipment with
intent to defraud.

322

817.504 (1) (a)

3rd

Offering or advertising a
vaccine with intent to
defraud.

323

817.535 (2) (a)

3rd

Filing false lien or other
unauthorized document.

324

817.611 (2) (b)

2nd

Traffic in or possess 15
to 49 counterfeit credit
cards or related
documents.

325

825.102 (3) (b)

2nd

Neglecting an elderly



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person or disabled adult
causing great bodily harm,
disability, or
disfigurement.

326

825.103 (3) (b)

2nd

Exploiting an elderly
person or disabled adult
and property is valued at
\$10,000 or more, but less
than \$50,000.

327

827.03 (2) (b)

2nd

Neglect of a child causing
great bodily harm,
disability, or
disfigurement.

328

827.04 (4)

3rd

Impregnation of a child
under 16 years of age by
person 21 years of age or
older.

~~827.04 (3)~~

329

827.071 (2) & (3)

2nd

Use or induce a child in a
sexual performance, or
promote or direct such
performance.

330

827.071 (4)

2nd

Possess with intent to
promote any photographic
material, motion picture,



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331			etc., which includes child pornography.
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
332			
	838.015	2nd	Bribery.
333			
	838.016	2nd	Unlawful compensation or reward for official behavior.
334			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
335			
	838.22	2nd	Bid tampering.
336			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
337			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
338			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
339			
	847.0135 (3)	3rd	Solicitation of a child,



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via a computer service, to
commit an unlawful sex
act.

340

847.0135(4)

2nd

Traveling to meet a minor
to commit an unlawful sex
act.

341

872.06

2nd

Abuse of a dead human
body.

342

874.05(2)(b)

1st

Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.

343

874.10

1st, PBL

Knowingly initiates,
organizes, plans,
finances, directs,
manages, or supervises
criminal gang-related
activity.

344

893.13(1)(c)1.

1st

Sell, manufacture, or
deliver cocaine (or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)5.) within 1,000



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feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

345

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.

346

893.13(4)(a)

1st

Use or hire of minor; deliver to minor other controlled substance.

347

893.135(1)(a)1.

1st

Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

348

893.135
(1)(b)1.a.

1st

Trafficking in cocaine, more than 28 grams, less than 200 grams.



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349	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
350	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
351	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
352	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
353	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
354	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
355	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
356			



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357	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
358	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
359	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
360	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
361	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
362	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	893.135	1st	Trafficking in synthetic



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363	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
364			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or more, less than 100 grams.
365			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
366			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
367			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.



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368

943.0435 (4) (c) 2nd Sexual offender vacating
permanent residence;
failure to comply with
reporting requirements.

369

943.0435 (8) 2nd Sexual offender; remains
in state after indicating
intent to leave; failure
to comply with reporting
requirements.

370

943.0435 (9) (a) 3rd Sexual offender; failure
to comply with reporting
requirements.

371

943.0435 (13) 3rd Failure to report or
providing false
information about a sexual
offender; harbor or
conceal a sexual offender.

372

943.0435 (14) 3rd Sexual offender; failure
to report and reregister;
failure to respond to
address verification;
providing false
registration information.

373



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374	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
375	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
376	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
377	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
378	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or



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conceal a sexual offender.

985.4815(13)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to
address verification;
providing false
registration information.

Section 4. Paragraph (c) of subsection (3) of section
39.201, Florida Statutes, is amended to read:

39.201 Required reports of child abuse, abandonment, or
neglect, sexual abuse of a child, and juvenile sexual abuse;
required reports of death; reports involving a child who has
exhibited inappropriate sexual behavior.—

(3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

(c) *Abuse involving impregnation of a child.*—A report must
be immediately electronically transferred to the appropriate
county sheriff's office or other appropriate law enforcement
agency by the central abuse hotline if the report is of an
instance of known or suspected child abuse involving
impregnation of a child 15 years of age or younger by a person
21 years of age or older under s. 827.04(4) ~~s. 827.04(3)~~. If the
report is of known or suspected child abuse under s. 827.04(4)
~~s. 827.04(3)~~, subsection (1) does not apply to health care
professionals or other professionals who provide medical or
counseling services to pregnant children when such reporting
would interfere with the provision of such medical or counseling



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services.

Section 5. Section 90.4025, Florida Statutes, is amended to read:

90.4025 Admissibility of paternity determination in certain criminal prosecutions.—If a person less than 18 years of age gives birth to a child and the paternity of that child is established under chapter 742, such evidence of paternity is admissible in a criminal prosecution under ss. 794.011, 794.05, 800.04, and 827.04(4) ~~827.04(3)~~.

Section 6. Section 382.356, Florida Statutes, is amended to read:

382.356 Protocol for sharing certain birth certificate information.—In order to facilitate the prosecution of offenses under s. 794.011, s. 794.05, s. 800.04, or s. 827.04(4) ~~s. 827.04(3)~~, the Department of Health, the Department of Revenue, and the Florida Prosecuting Attorneys Association shall develop a protocol for sharing birth certificate information for all children born to unmarried mothers who are less than 17 years of age at the time of the child's birth.

Section 7. Section 409.2355, Florida Statutes, is amended to read:

409.2355 Programs for prosecution of males over age 21 who commit certain offenses involving girls under age 16.—Subject to specific appropriated funds, the Department of Children and Families is directed to establish a program by which local communities, through the state attorney's office of each judicial circuit, may apply for grants to fund innovative programs for the prosecution of males over the age of 21 who victimize girls under the age of 16 in violation of s. 794.011,



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s. 794.05, s. 800.04, s. 827.04(4) ~~s. 827.04(3)~~, or s.
847.0135(5).

Section 8. Subsection (4) of section 742.107, Florida
Statutes, is amended to read:

742.107 Determining paternity of child with mother under 16
years of age when impregnated.—

(4) When the information provided by the applicant or
recipient who was impregnated while under age 16 indicates that
such person is the victim of child abuse as provided in s.
827.04(4) ~~s. 827.04(3)~~, the Department of Revenue or the
Department of Children and Families shall notify the county
sheriff's office or other appropriate agency or official and
provide information needed to protect the child's health or
welfare.

Section 9. This act shall take effect October 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to criminal justice; amending s.
827.04, F.S.; providing criminal penalties for persons
who commit any act that causes, tends to cause,
encourages, or contributes to a child committing
offenses of specified severities; providing criminal
penalties for persons who induce or endeavor to
induce, by act, threat, command, or persuasion, a
child to commit offenses of specified severities;



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creating s. 827.12, F.S.; providing criminal penalties for an adult who causes or entices a minor to commit, or in the presence of a minor commits, a specified violation of law relating to animal cruelty; amending s. 921.0022, F.S.; increasing the level on the offense severity ranking chart for fighting or baiting animals; ranking an offense created by the act on the offense severity ranking chart; conforming a cross-reference; amending ss. 39.201, 90.4025, 382.356, 409.2355, and 742.107, F.S.; conforming cross-references; providing an effective date.

By Senator Arrington

25-01237-25

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A bill to be entitled

An act relating to animal cruelty; creating s. 827.12, F.S.; providing criminal penalties for an adult who causes or entices a minor to commit or in the presence of a minor commits a specified violation of law relating to animal cruelty; amending s. 921.0022, F.S.; increasing the level on the offense severity ranking chart for fighting or baiting animals; ranking the offense created by this act on the offense severity ranking chart; providing an effective date.

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

Section 1. Section 827.12, Florida Statutes, is created to read:

827.12 Causing or enticing a minor to commit, or committing in the presence of a minor, animal cruelty; penalty.—An individual 18 years of age or older commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she causes or entices a minor to commit, or in the presence of a minor commits, a violation of s. 828.12(2), s. 828.122, or s. 828.126.

Section 2. Paragraphs (a), (e), and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

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Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1) (a)	3rd	Tamper, adjust, change,

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etc., an odometer.

37

320.26(1) (a)

3rd

Counterfeit, manufacture, or
sell registration license
plates or validation
stickers.

38

322.212
(1) (a)-(c)

3rd

Possession of forged,
stolen, counterfeit, or
unlawfully issued driver
license; possession of
simulated identification.

39

322.212(4)

3rd

Supply or aid in supplying
unauthorized driver license
or identification card.

40

322.212(5) (a)

3rd

False application for driver
license or identification
card.

41

414.39(3) (a)

3rd

Fraudulent misappropriation
of public assistance funds
by employee/official, value
more than \$200.

42

443.071(1)

3rd

False statement or
representation to obtain or
increase reemployment

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assistance benefits.

43

509.151(1)

3rd

Defraud an innkeeper, food
or lodging value \$1,000 or
more.

44

517.302(1)

3rd

Violation of the Florida
Securities and Investor
Protection Act.

45

713.69

3rd

Tenant removes property upon
which lien has accrued,
value \$1,000 or more.

46

812.014(3) (c)

3rd

Petit theft (3rd
conviction); theft of any
property not specified in
subsection (2).

47

815.04(4) (a)

3rd

Offense against intellectual
property (i.e., computer
programs, data).

48

817.52(2)

3rd

Hiring with intent to
defraud, motor vehicle
services.

49

817.569(2)

3rd

Use of public record or
public records information

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or providing false
information to facilitate
commission of a felony.

826.01

3rd

Bigamy.

~~828.122(3)~~~~3rd~~~~Fighting or baiting animals.~~

831.04(1)

3rd

Any erasure, alteration,
etc., of any replacement
deed, map, plat, or other
document listed in s. 92.28.

831.31(1) (a)

3rd

Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

832.041(1)

3rd

Stopping payment with intent
to defraud \$150 or more.

832.05(2) (b) &
(4) (c)

3rd

Knowing, making, issuing
worthless checks \$150 or
more or obtaining property
in return for worthless
check \$150 or more.

838.15(2)

3rd

Commercial bribe receiving.

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838.16

3rd

Commercial bribery.

843.18

3rd

Fleeing by boat to elude a
law enforcement officer.

847.011(1) (a)

3rd

Sell, distribute, etc.,
obscene, lewd, etc.,
material (2nd conviction).

849.09(1) (a)-(d)

3rd

Lottery; set up, promote,
etc., or assist therein,
conduct or advertise drawing
for prizes, or dispose of
property or money by means
of lottery.

849.23

3rd

Gambling-related machines;
"common offender" as to
property rights.

849.25(2)

3rd

Engaging in bookmaking.

860.08

3rd

Interfere with a railroad
signal.

860.13(1) (a)

3rd

Operate aircraft while under
the influence.

893.13(2) (a)2.

3rd

Purchase of cannabis.

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66

893.13(6)(a)

3rd

Possession of cannabis (more than 20 grams).

67

934.03(1)(a)

3rd

Intercepts, or procures any other person to intercept, any wire or oral communication.

68

69

70

(e) LEVEL 5

Florida
StatuteFelony
Degree

Description

71

316.027(2)(a)

3rd

Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

72

316.1935(4)(a)

2nd

Aggravated fleeing or eluding.

73

316.80(2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

74

322.34(6)

3rd

Careless operation of motor vehicle with

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

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20251732__

75

327.30(5)

3rd

suspended license, resulting in death or serious bodily injury.

76

379.365(2)(c)1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab

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77			trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
78			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
79			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
80			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
81			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
82			
	440.381(2)	3rd	Submission of false,

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			misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
83			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
84			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
85			
	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
86			
	790.162	2nd	Threat to throw or discharge destructive device.
87			
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent

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88			manner.
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
89			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
90			
	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
91			
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
92			
	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
93			
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
94			
	810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.

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95	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
96			
	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
97			
	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
98			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
99			
	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
100			
	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
101			
	812.015(8)(g)	3rd	Retail theft; committed with specified number of

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	25-01237-25		20251732	other persons.
102	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
103	812.081(3)	2nd		Trafficking in trade secrets.
104	812.131(2)(b)	3rd		Robbery by sudden snatching.
105	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
106	817.034(4)(a)2.	2nd		Communications fraud, value \$20,000 to \$50,000.
107	817.234(11)(b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
108	817.2341(1), (2)(a) & (3)(a)	3rd		Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the

	25-01237-25		20251732	solvency of an insuring entity.
109	817.568(2)(b)	2nd		Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
110	817.611(2)(a)	2nd		Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
111	817.625(2)(b)	2nd		Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
112	825.1025(4)	3rd		Lewd or lascivious exhibition in the presence of an elderly

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113

person or disabled
adult.

828.12(2)

3rd

Tortures any animal with
intent to inflict
intense pain, serious
physical injury, or
death.

114

828.122(3)3rd

Fighting or baiting
animals.

115

836.14(4)

2nd

Person who willfully
promotes for financial
gain a sexually explicit
image of an identifiable
person without consent.

116

839.13(2)(b)

2nd

Falsifying records of an
individual in the care
and custody of a state
agency involving great
bodily harm or death.

117

843.01(1)

3rd

Resist officer with
violence to person;
resist arrest with
violence.

118

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119

847.0135(5)(b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

847.0137

3rd

(2) & (3)

Transmission of
pornography by
electronic device or
equipment.

120

847.0138

3rd

(2) & (3)

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

121

874.05(1)(b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

122

874.05(2)(a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

123

893.13(1)(a)1.

2nd

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),

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124

893.13(1)(c)2.

2nd

(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

Sell, manufacture, or
deliver cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) drugs)
within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

125

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

126

893.13(1)(e)2.

2nd

Sell, manufacture, or

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127

893.13(1)(f)1.

1st

deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

128

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

129

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of

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controlled substance.

130
131
132

(f) LEVEL 6

133
134
135Florida
StatuteFelony
Degree

Description

316.027(2)(b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

134

316.193(2)(b)

3rd

Felony DUI, 4th or
subsequent conviction.

135

400.9935(4)(c)

2nd

Operating a clinic, or
offering services
requiring licensure,
without a license.

136

499.0051(2)

2nd

Knowing forgery of
transaction history,
transaction information,
or transaction
statement.

137

499.0051(3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

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138

499.0051(4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

139

775.0875(1)

3rd

Taking firearm from law
enforcement officer.

140

784.021(1)(a)

3rd

Aggravated assault;
deadly weapon without
intent to kill.

141

784.021(1)(b)

3rd

Aggravated assault;
intent to commit felony.

142

784.041

3rd

Felony battery; domestic
battery by
strangulation.

143

784.048(3)

3rd

Aggravated stalking;
credible threat.

144

784.048(5)

3rd

Aggravated stalking of
person under 16.

145

784.07(2)(c)

2nd

Aggravated assault on
law enforcement officer.

146

784.074(1)(b)

2nd

Aggravated assault on

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

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sexually violent
predators facility
staff.

147

784.08(2)(b)

2nd

Aggravated assault on a
person 65 years of age
or older.

148

784.081(2)

2nd

Aggravated assault on
specified official or
employee.

149

784.082(2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

150

784.083(2)

2nd

Aggravated assault on
code inspector.

151

787.02(2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

152

790.115(2)(d)

2nd

Discharging firearm or
weapon on school
property.

153

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790.161(2)

2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

154

790.164(1)

2nd

False report concerning
bomb, explosive, weapon
of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

155

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

156

794.011(8)(a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

157

794.05(1)

2nd

Unlawful sexual activity
with specified minor.

158

800.04(5)(d)

3rd

Lewd or lascivious
molestation; victim 12
years of age or older

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	25-01237-25		20251732__	
			but less than 16 years	
			of age; offender less	
159			than 18 years.	
	800.04 (6) (b)	2nd	Lewd or lascivious	
			conduct; offender 18	
160			years of age or older.	
	806.031 (2)	2nd	Arson resulting in great	
			bodily harm to	
161			firefighter or any other	
			person.	
	810.02 (3) (c)	2nd	Burglary of occupied	
			structure; unarmed; no	
162			assault or battery.	
	810.145 (8) (b)	2nd	Digital voyeurism;	
			certain minor victims;	
			2nd or subsequent	
163			offense.	
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000	
			or more, but less than	
			\$100,000, grand theft in	
164			2nd degree.	
	812.014 (2) (c) 5.	3rd	Grand theft; third	
			degree; firearm.	

	25-01237-25		20251732__	
165	812.014 (6)	2nd	Theft; property stolen	
			\$3,000 or more;	
166			coordination of others.	
	812.015 (9) (a)	2nd	Retail theft; property	
			stolen \$750 or more;	
167			second or subsequent	
			conviction.	
	812.015 (9) (b)	2nd	Retail theft; aggregated	
			property stolen within	
168			120 days is \$3,000 or	
			more; coordination of	
			others.	
	812.015 (9) (d)	2nd	Retail theft; multiple	
169			thefts within specified	
			period.	
	812.015 (9) (e)	2nd	Retail theft; committed	
			with specified number of	
170			other persons and use of	
			social media platform.	
	812.13 (2) (c)	2nd	Robbery, no firearm or	
171			other weapon (strong-arm	
			robbery).	

	25-01237-25		20251732__
172	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
173	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
174	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
175	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
176	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
177	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or

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	25-01237-25		20251732__
178			disabled adult.
179	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
180	827.03(2)(c)	3rd	Abuse of a child.
181	827.03(2)(d)	3rd	Neglect of a child.
182	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
183	<u>827.12</u>	<u>3rd</u>	<u>Causing or enticing a minor to commit, or committing in the presence of a minor, animal cruelty.</u>
184	828.126(3)	3rd	Sexual activities involving animals.
185	836.05	2nd	Threats; extortion.

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	25-01237-25		20251732	
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.	
186				
	843.12	3rd	Aids or assists person to escape.	
187				
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.	
188				
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.	
189				
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	
190				
	893.131	2nd	Distribution of controlled substances	

	25-01237-25		20251732	
			resulting in overdose or serious bodily injury.	
191				
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	
192				
	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.	
193				
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.	
194				
	944.40	2nd	Escapes.	
195				
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.	
196				
	944.47(1)(a)5.	2nd	Introduction of	

25-01237-25

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contraband (firearm,
weapon, or explosive)
into correctional
facility.

197

951.22(1)(i)

3rd

Firearm or weapon
introduced into county
detention facility.

198

199

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



Florida Senate

Kristen Arrington

Senator, District 25

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Kissimmee, FL, 34741
(407) 846-5187

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Commerce & Tourism
Committee

Appropriations
Committee on
Agriculture,
Environment, and
General Government

Appropriations
Committee on
Transportation,
Tourism, and Economic
Development

Environment and
Natural Resources

Fiscal Policy

Governmental
Oversight and
Accountability

Transportation

March 12, 2025

The Honorable Jonathan Martin, Chair
315 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Martin,

I am respectfully requesting that you place SB 1732, Animal Cruelty, on the agenda for the next Criminal Justice Committee meeting at your earliest opportunity.

SB 1732 focuses on strengthening animal cruelty laws in Florida, particularly in cases involving minors. This legislation aims to impose stricter penalties on adults who cause, encourage, or participate in animal cruelty offenses in the presence of a minor. By increasing the severity level of offenses such as animal fighting and baiting, the bill ensures that penalties reflect the seriousness of these crimes.

Additionally, SB 1732 proposes amendments to the offense severity ranking chart, ensuring that the new offense is properly categorized and aligns with the existing legal framework. Through these measures, the bill seeks to deter animal cruelty and protect vulnerable animals by holding adults accountable for their actions and their influence on minors.

If you have any questions, please do not hesitate to reach me at (407) 973-4070. Thank you for your consideration in placing SB 1732 on the next committee agenda.

Respectfully,

Senator Kristen Arrington

CC: The Honorable Carlos Guillermo Smith, Vice Chair
Amanda Stokes, Staff Director

Email: Arrington.Kristen@flsenate.gov

March 18, 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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1732

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)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3-18-25

Meeting Date

1732

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

TRAVIS MOORE

Phone

727.421.6902

Address

P.O. Box 2020

Email

travis@moore-relations.com

Street

St. Petersburg FL 33731

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:

Animal Legal Defense Fund

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1732

Bill Number or Topic

3/18/25

Meeting Date

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name Kate MacFall

Phone 850 508-1001

Address 1206 Walter Dr.

Street

Email kmacfallehsus.org

Tallahassee

City

FL

State

32312

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ only In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

Humane Society of the United States

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

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

S-001 (08/10/2021)

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 1774

INTRODUCER: Senator Martin

SUBJECT: Rebuttable Presumption for Certain Deaths

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 1774 creates s. 782.073, F.S., to provide a rebuttable presumption in favor of the defense that the death of an alleged victim was the result of a controlled substance if:

- The defendant is charged with second degree murder pursuant to s. 782.04(2), F.S. or manslaughter pursuant to s. 782.07(1), F.S.; and
- A forensic toxicology report indicates that a Schedule I controlled substance was present in the victim at the time of death.

The bill takes effect on July 1, 2025.

II. Present Situation:

On December 9, 2024, Daniel Penny was acquitted of criminally negligent homicide stemming from an encounter on a New York subway train that resulted in the death of Jordan Neely. Jordan Neely boarded the train on May 1, 2023, acting erratically and ranting about being hungry and thirsty, and stating he wanted to return to jail. In an effort to restrain Neely until law enforcement could arrive, Daniel Penny, a former Marine, placed Neely in a chokehold that lasted almost six minutes. A New York City medical examiner ruled Neely died from compression to his neck as a result of the chokehold. However, a forensic pathologist hired by the defense testified that Neely died from a combination of schizophrenia, sickle cell trait, synthetic marijuana found in his system, and the struggle from being restrained.¹

¹ NBC News, *Daniel Penny found not guilty in chokehold death of Jordan Neely*, Griffith and Ortiz (December 9, 2024), available at: <https://www.nbcnews.com/news/us-news/daniel-penny-found-not-guilty-chokehold-death-jordan-neely-rcna180775> (last visited March 11, 2025).

Homicide

Under Florida law, first degree murder is a capital felony^{2,3}. Although first degree murder is commonly thought of as requiring “premeditation,” Florida law classified three separate classes of first degree murder: premeditated first degree murder, felony murder,⁴ and death caused by the unlawful distribution of a controlled substance.⁵

The unlawful killing of a person, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is second degree murder.⁶ Additionally, pursuant to s. 782.04(3), F.S., a person commits a second degree murder, a first degree felony,⁷ if a person is killed during the perpetration of, or during the attempt to perpetrate a specified felony,⁸ by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony.⁹

Manslaughter

Manslaughter is the killing of a person by the act, procurement, or culpable negligence of another, without lawful justification and is a second degree felony.^{10,11} Manslaughter can be divided into voluntary and involuntary manslaughter:¹²

- Voluntary manslaughter is the killing of another person without deliberation, premeditation, or malice aforethought while in the heat of passion or in response to adequate provocation.
- Involuntary manslaughter is negligently causing the death of another person.

Florida Controlled Substance Schedules

Section 893.03, F.S. classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule

² Section 782.04(1)(a)1., F.S.

³ A capital felony is generally punishable by a sentence of death or life imprisonment without the possibility of parole and may be sentenced to a fine. Sections 775.082 and 775.083, F.S.

⁴ Section 782.04(1)(a)2., F.S.

⁵ Section 782.04(1)(a)3., F.S.

⁶ Section 782.04(2), F.S.

⁷ A first degree felony is punishable by imprisonment for a term of years not exceeding life or not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 782.04(2), 775.082, and 775.083, F.S.

⁸ Section 782.04(3)(a)-(r) lists the following felonies that apply: trafficking offense prohibited by s. 893.135(1), F.S., arson, sexual battery, robbery, burglary, kidnapping, escape, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, aircraft piracy, unlawful throwing, placing, or discharging of a destructive bomb, carjacking, home-invasion robbery, aggravated stalking, murder of another human being, aggravated fleeing or eluding with serious bodily injury or death, resisting an officer with violence to his or her person, and felony that is an act of terrorism or is in furtherance of an act of terrorism.

⁹ Section 782.04(3), F.S.

¹⁰ Section 782.07, F.S.

¹¹ A second degree felony is generally punishable by not more than 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

¹² Cornell Law School, Legal Information Institute, *Manslaughter*, available at: <https://www.law.cornell.edu/wex/manslaughter> (last visited March 11, 2025).

may apply to a substance are the “potential for abuse”¹³ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Schedule I controlled substances include substances such as: heroin, LSD, ecstasy, and marijuana. During the fiscal year 2023-24, nearly 88,000 individuals received substance abuse disorder services through the Department of Children and Families (DCF), a 10 percent increase from the previous year.¹⁴ The 988 Florida Lifeline, a crisis hotline, reported 4,073 calls from individuals experiencing substance use and/or additional concerns.¹⁵

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

¹³ Section 893.035(3)(a), F.S., defines “potential for abuse” as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user’s health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user’s own initiative rather than on the basis of professional medical advice.

¹⁴ Department of Children and Families, 2025 *Commission on Mental Health and Substance Use Disorder Interim Report*, pg. 17, available at: <https://www.myflfamilies.com/sites/default/files/2024-12/2025%20Commission%20on%20Mental%20Health%20and%20Substance%20Use%20Disorder%20Interim%20Report.pdf> (last visited March 11, 2025).

¹⁵ *Id.* pg. 18

Rebuttable Presumptions

A rebuttable presumption is a legal principle that presumes something to be true unless proven otherwise and most often found in civil law. For example, there is a rebuttable presumption in many jurisdictions that child support payments will continue until a child reaches the age of majority. This presumption can be rebutted if the party paying child support can show that the child is no longer dependent on them.¹⁶

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.¹⁷ However, a rebuttable presumption in favor of the defense does not shift the burden to the defendant.

III. Effect of Proposed Changes:

The bill creates s. 782.073, F.S. to provide a rebuttable presumption in favor of the defense that the death of an alleged victim was the result of a controlled substance if:

- The defendant is charged with second degree murder pursuant to s. 782.04(2), F.S. or manslaughter pursuant to s. 782.07(1), F.S.; and
- A forensic toxicology report indicates that a Schedule I controlled substance was present in the victim at the time of death.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ WH.Law, *What is a rebuttable presumption?* John Butler (2022), available at: <https://whlawoffices.com/blog/what-is-a-rebuttable-presumption/> (last visited March 12, 2025).

¹⁷ *Ibarrondo v. State*, 1 So. 3d 226 (Fla. 5th DCA 2008).

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 782.073 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 Martin

33-00887-25

20251774__

A bill to be entitled

An act relating to a rebuttable presumption for certain deaths; creating s. 782.073, F.S.; creating a rebuttable presumption that the death of an alleged victim was the result of a controlled substance under specified circumstances; providing an effective date.

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

Section 1. Section 782.073, Florida Statutes, is created to read:

782.073 Presence of controlled substance in toxicology report.—There is created a rebuttable presumption in favor of the defense that the death of an alleged victim was the result of a controlled substance if:

(1) The defendant is charged with murder in the second degree pursuant to s. 782.04(2) or manslaughter pursuant to s. 782.07(1); and

(2) A forensic toxicology report indicates that a Schedule I controlled substance under s. 893.03(1) was present in the alleged victim at the time of death.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1838

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Tampering With, Harassing, or Retaliating Against Court Officials

DATE: March 20, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1838 amends several statutes relating to tampering with, harassing, or retaliating against court officials.

The bill amends s. 836.12, F.S., to define the term “Administrative assistant” to mean a court employee assigned to the office of a general or special magistrate or child support enforcement hearing officer.

The bill adds general magistrates, special magistrates, child support enforcement hearing officers, administrative assistants, to the list of specified persons that a person may not threaten with death or serious bodily harm or harass with intent to intimidate or coerce the person or refrain from performing his or her lawful duty.

The bill creates s. 918.115, F.S., to define the terms “Administrative assistant,” “bodily injury,” “court official,” “harass, judicial assistant,” “misleading conduct,” “official investigation,” “official proceeding,” and “physical force.”

The bill amends s. 918.12, F.S., to provide criminal penalties for persons who knowingly and willfully tamper or harass specified court personnel.

Tampering with a Court Official

A person who knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official:

- Uses intimidation or physical force;
- Threatens any person, or attempts to do so;
- Engages in misleading conduct toward any person; or
- Offers pecuniary benefit or gain to any person.

The penalty for tampering with a court official varies depending upon the type of proceeding was affected.

Harassing a court official

A person who intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts commits the crime of harassing a court official:

- Attending an official proceeding;
- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or
- Following the rules of juror behavior and deliberation as set forth by the judge.

The penalty for harassment of a court official varies depending upon the type of proceeding was affected.

Retaliation against a court official

The bill creates s. 918.125, F.S., to prohibit specified conduct with retaliatory intent towards court officials. A person who, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding, commits a third degree felony if he or she:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damages the tangible property of another person or threatens to do so.

If such conduct results in bodily injury, such person commits a second degree felony.

The bill amends s. 921.0022, F.S., of the criminal punishment code to remove s. 918.12, F.S., as a level 4 offense in the offense severity ranking chart.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

II. Present Situation:

Tampering

Under the Constitution and Federal law, our government vests in judges, prosecutors, and law enforcement officers the power to make decisions of enormous consequence. Because of the importance of their work, these public servants face unique risks to their safety and the safety of their families. Some who face or have received an adverse judicial decision have sought to intimidate or punish judges and prosecutors with threats of harm. Moreover, judges, prosecutors, and law enforcement officers are symbols within our communities of law and order and may be targeted for that reason alone. And at times, family members of public servants have become victims.¹ Several states have enacted legislation to address a surge in both threats and actual acts of violence against judges and judicial personnel across America.²

Jury Tampering

Section 918.12, F.S., provides that any person who influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice, commits a third degree felony.

Witness Tampering

Witness tampering, as defined under s. 914.22, F.S., involves various actions designed to influence a witness, victim, or informant. This can include using intimidation or physical force, making threats, or engaging in misleading behavior to alter a witness's testimony or cooperation with law enforcement. The statute is broad, covering a wide range of conduct aimed at interfering with the judicial process.³

Section 914.22, F.S., provides that a person who knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, or offers pecuniary benefit or gain to another person, with intent to cause or induce any person to:

- Withhold testimony, or withhold a record, document, or other object, from an official investigation or official proceeding;⁴
- Alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official investigation or official proceeding;⁵

¹ Federal Register, *Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families*, Executive Order 13977 of January 18, 2021, available at <https://www.federalregister.gov/documents/2021/01/22/2021-01635/protecting-law-enforcement-officers-judges-prosecutors-and-their-families> (last visited March 15, 2025).

² National Center for State Courts, *NCSC supports new legislation to protect state court judges from escalating threats*, available at <https://www.ncsc.org/newsroom/at-the-center/2024/ncsc-supports-new-legislation-to-protect-state-court-judges-from-escalating-threats> (last visited March 15, 2025).

³ Meltzer & Bell, P.A., *Understanding FSS 914.22: Florida's Witness Tampering Law Explained* available at <https://www.meltzerandbell.com/news/understanding-fss-914-22-floridas-witness-tampering-law-explained/#:~:text=Witness%20tampering%2C%20as%20defined%20under,can%20fall%20under%20this%20statute> (last visited March 14, 2025).

⁴ Section 914.22(1)(a), F.S.

⁵ Section 914.22(1)(b), F.S.

- Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official investigation or an official proceeding;⁶
- Be absent from an official proceeding to which such person has been summoned by legal process;⁷
- Hinder, delay, or prevent the communication to a law enforcement officer or judge of information relating to the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding;⁸ or
- Testify untruthfully in an official investigation or an official proceeding, commits the crime of tampering with a witness, victim, or informant.⁹

Tampering with a witness, victim, or informant is a:

- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.¹⁰
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.¹¹
- First degree felony where the official investigation or official proceeding affected involves the investigation of a second degree felony.¹²
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or first degree felony punishable by a term of years not exceeding life.¹³
- Life felony where the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.¹⁴
- Third degree felony where the offense level of the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.¹⁵

A person who intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:

- Attending or testifying in an official proceeding involves a noncriminal investigation or proceeding.¹⁶
- Reporting to a law enforcement officer or judge the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding;¹⁷
- Arresting or seeking the arrest of another person in connection with an offense; or

⁶ Section 914.22(1)(c), F.S.

⁷ Section 914.22(1)(d), F.S.

⁸ Section 914.22(1)(e), F.S.

⁹ Section 914.22(1)(f), F.S.

¹⁰ Section 914.22(2)(a), F.S.

¹¹ Section 914.22(2)(b), F.S.

¹² Section 914.22(2)(c), F.S.

¹³ Section 914.22(2)(d), F.S.

¹⁴ Section 914.22(2)(e), F.S.

¹⁵ Section 914.22(2)(f), F.S.

¹⁶ Section 914.22(3)(a), F.S.

¹⁷ Section 914.22(3)(b), F.S.

- Causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or from assisting in such prosecution or proceeding;¹⁸ or attempts to do so, commits the crime of harassing a witness, victim, or informant.

Harassing a witness, victim or informant is a:

- First degree Misdemeanor where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.¹⁹
- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.²⁰
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.²¹
- First degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of first degree felony.²²
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree punishable by a term of years not exceeding life or a prosecution of a life or capital felony.²³
- Third degree felony where the offense level of the affected official investigation or official proceeding is indeterminable or where the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.²⁴

Obstruction of Justice

Obstruction of justice is a criminal offense that occurs when someone willfully interferes with the legal system's ability to carry out its functions. This charge covers a range of unlawful acts intended to disrupt or obstruct investigations, trials, or other legal proceedings. For instance, actions such as tampering with evidence, lying to law enforcement, bribing a witness, or threatening a judge or juror can all be considered obstruction.²⁵

Under ch. 843, F.S., obstruction of justice charges apply to actions that deliberately interfere with a legally authorized person in the lawful execution of his or her duty. This includes obstructing police officers as well as any other peace officer, correctional officer, correctional probation officer, and even members of the Florida Highway Patrol and other governmental agencies.²⁶

A person who knowingly and willfully resists, obstructs, or opposes any officer, member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by

¹⁸ Section 914.22(3)(c), F.S.

¹⁹ Section 914.22(4)(a), F.S.

²⁰ Section 914.22(4)(b), F.S.

²¹ Section 914.22(4)(c), F.S.

²² Section 914.22(4)(d), F.S.

²³ Section 914.22(4)(e), F.S.

²⁴ Section 914.22(4)(f), F.S.

²⁵ Buda Law, *What is Obstruction of Justice In Florida*, November 11, 2024, available at <https://budalaw.com/blog/2024/november/what-is-obstruction-of-justice-in-florida/> (last visited March 14, 2025).

²⁶ *Id.*

the commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a felony commits a third degree felony.²⁷

III. Effect of Proposed Changes:

The bill amends several statutes relating to tampering with, harassing, or retaliating against court officials.

The bill amends s. 836.12, F.S., to define the term “Administrative assistant” to mean a court employee assigned to the office of a general or special magistrate or child support enforcement hearing officer.

The bill adds general magistrates, special magistrates, child support enforcement hearing officers, administrative assistants, to the list of specified persons that a person may not threaten with death or serious bodily harm or harass with intent to intimidate or coerce the person or refrain from performing his or her lawful duty.

The bill creates s. 918.115, F.S., to define:

- “Administrative assistant” to mean a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.
- “Bodily injury” to mean a cut, an abrasion, a bruise, a burn, or a disfigurement; physical pain; illness; impairment of the function of a bodily member, an organ, or a mental faculty; or any other injury to the body, regardless of how temporary.
- “Court official” to mean any judge, justice, general magistrate, special magistrate, grand juror, petit juror, clerk of the court, deputy clerk of the court, judicial assistant, administrative assistant, attorney, child support enforcement hearing officer, bailiff, or court deputy.
- “Harass” to mean to engage in a course of conduct directed at a specific person which causes substantial emotional distress in that person and serves no legitimate purpose.
- “Judicial assistant” to mean a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, or clerical support to the assigned judge or justice.
- “Misleading conduct” to mean any of the following:
 - Knowingly making a false statement.
 - Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact and thereby creating a false impression by such statement.
 - With the intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity.
 - With the intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect.

²⁷ Section 843.01(1), F.S.

- Knowingly using a trick, scheme, or device with the intent to mislead.
- “Official investigation” to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or by the Commission on Ethics.
- “Official proceeding” to mean any proceeding before a judge or court or a grand jury.
- “Physical force” to mean physical action against another person and includes confinement of a person.

The bill amends s. 918.12, F.S., to provide criminal penalties for persons who knowingly and willfully threaten specified court personnel.

Tampering with a Court Official

A person who knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official:

- Uses intimidation or physical force;
- Threatens any person, or attempts to do so;
- Engages in misleading conduct toward any person; or
- Offers pecuniary benefit or gain to any person.

The penalty for tampering with a court official is a:

- Third degree felony if the offense level of the affected official investigation or official proceeding is indeterminable.
- Third degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or any noncriminal matter pending in county court.
- Second degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.
- First degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, punishable by a term of years not exceeding life if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or a first degree felony punishable by a term of years not exceeding life.
- Life felony, if the official investigation or official proceeding affected involved the investigation or prosecution of a life or capital felony.

Harassing a court official

A person who intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts commits the crime of harassing a court official:

- Attending an official proceeding;
- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or

- Following the rules of juror behavior and deliberation as set forth by the judge.

The penalty for harassment of a court official is a:

- First degree misdemeanor, if the official investigation or official proceeding affected involves the investigation or prosecution of misdemeanor or any noncriminal matter pending in county court.
- Third degree felony, if the offense level of the affected official investigation or official proceeding is indeterminable.
- Third degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the third degree or any noncriminal matter pending in circuit court.
- Second degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony.
- First degree felony, punishable by a term of years not exceeding life if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony punishable by a term of years not exceeding life or a prosecution of a life or capital felony.

Retaliation against a court official

The bill creates s. 918.125, F.S., to prohibit specified conduct with retaliatory intent towards court officials. A person who, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding, commits a third degree felony if he or she:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damages the tangible property of another person or threatens to do so.

If such conduct results in bodily injury, such person commits a second degree felony.

The bill provides conforming changes to ss. 772.102 and 895.02, F.S.

The bill amends s. 921.0022, F.S., of the criminal punishment code to remove s. 918.12, F.S., as a level 4 offense in the offense severity ranking chart.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate fiscal impact on the jail and prison bed population by providing enhanced penalties that may result in sentences including longer terms of incarceration for persons convicted of such offenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 918.12, 772.102, 895.02, and 921.002.

This bill creates the following sections of the Florida Statutes: 918.125 and 918.21.

IX. Additional Information:

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

CS by Criminal Justice Committee on March 18, 2025:

The committee substitute:

- Defines the terms “administrative assistant, bodily injury, court official, harass, judicial assistant, misleading conduct, official investigation, official preceding, and physical force.”
- Revises the language to include general and special magistrates, child support enforcement hearing officers, and administrative assistants to the list of individuals who a person may not threaten or harass.
- Revises the definition of “court officials”, to include administrative assistants, general and special magistrates, and child support enforcement hearing officers.
- Removes the provisions providing that no state of mind be proven in the prosecution of an offense for tampering or harassing a court official under certain circumstances.

- B. **Amendments:**

None.



595212

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 23 - 159

and insert:

Section 1. Section 836.12, Florida Statutes, is amended to read:

836.12 Threats or harassment.—

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

(a) "Administrative assistant" means a court employee assigned to the office of a general or special magistrate or a



595212

child support enforcement hearing officer.

(b) "Family member" means:

1. An individual related to another individual by blood or marriage; or

2. An individual who stands in loco parentis to another individual.

(c)~~(b)~~ "Judicial assistant" means a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, and clerical support to the assigned judge or justice.

(d)~~(c)~~ "Law enforcement officer" means:

1. A law enforcement officer as defined in s. 943.10; or

2. A federal law enforcement officer as defined in s. 901.1505.

(2)(a) Except as provided in paragraph (b), any person who knowingly and willfully threatens a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a general magistrate, a special magistrate, a child support enforcement hearing officer, an administrative assistant, a judicial assistant, a clerk of the court, clerk personnel, or an elected official, or a family member of any such person, with death or serious bodily harm commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who commits a second or subsequent violation of paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly and willfully harasses a law enforcement officer, a state attorney, an assistant state



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attorney, a firefighter, a judge, a justice, a general magistrate, a special magistrate, a child support enforcement hearing officer, an administrative assistant, a judicial assistant, a clerk of the court, clerk personnel, or an elected official, with the intent to intimidate or coerce such a person to perform or refrain from performing a lawful duty, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 918.115, Florida Statutes, is created to read:

918.115 Definitions; ss. 918.12-918.125.—As used in ss. 918.12-918.125, the term:

(1) "Administrative assistant" means a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.

(2) "Bodily injury" means a cut, an abrasion, a bruise, a burn, or a disfigurement; physical pain; illness; impairment of the function of a bodily member, an organ, or a mental faculty; or any other injury to the body, regardless of how temporary.

(3) "Court official" means any judge, justice, general magistrate, special magistrate, grand juror, petit juror, clerk of the court, deputy clerk of the court, judicial assistant, administrative assistant, attorney, child support enforcement hearing officer, bailiff, or court deputy.

(4) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress in that person and serves no legitimate purpose.

(5) "Judicial assistant" means a court employee assigned to the office of a specific judge or justice responsible for



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providing administrative, secretarial, or clerical support to
the assigned judge or justice.

(6) "Misleading conduct" means any of the following:

(a) Knowingly making a false statement.

(b) Intentionally omitting information from a statement and
thereby causing a portion of such statement to be misleading, or
intentionally concealing a material fact and thereby creating a
false impression by such statement.

(c) With the intent to mislead, knowingly submitting or
inviting reliance on a writing or recording that is false,
forged, altered, or otherwise lacking in authenticity.

(d) With the intent to mislead, knowingly submitting or
inviting reliance on a sample, specimen, map, photograph,
boundary mark, or other object that is misleading in a material
respect.

(e) Knowingly using a trick, scheme, or device with the
intent to mislead.

(7) "Official investigation" means any investigation
instituted by a law enforcement agency or prosecuting officer of
the state or a political subdivision of the state or by the
Commission on Ethics.

(8) "Official proceeding" means any proceeding before a
judge or court or a grand jury.

(9) "Physical force" means physical action against another
person and includes confinement of a person.

Section 3. Section 918.12, Florida Statutes, is amended to
read:

918.12 Tampering with or harassing a court official
jurors.—



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(1) TAMPERING WITH A COURT OFFICIAL.—

(a) A person who knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official:

1. Uses intimidation or physical force;
2. Threatens any person or attempts to do so;
3. Engages in misleading conduct toward any person; or
4. Offers pecuniary benefit or gain to any person.

(b) A person who violates paragraph (a) commits:

1. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offense level of the affected official investigation or official proceeding is indeterminable.

2. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or noncriminal matter pending in county court.

3. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the third degree or noncriminal matter pending in circuit court.

4. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the second degree.



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5. A felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree or a felony of the first degree punishable by a term of years not exceeding life.

6. A life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.

(2) HARASSING A COURT OFFICIAL.—

(a) A person who intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts commits the crime of harassing a court official:

1. Attending an official proceeding;

2. Rendering a fair verdict based solely upon the evidence produced at an official proceeding and upon the law; or

3. Following the rules of juror behavior and deliberation as set forth by the judge.

(b) A person who violates paragraph (a) commits:

1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or noncriminal matter pending in county court.

2. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offense level of



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the affected official investigation or official proceeding is
indeterminable.

3. A felony of the third degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084, if the official
investigation or official proceeding affected involves the
investigation or prosecution of a felony of the third degree or
any noncriminal matter pending in circuit court.

4. A felony of the second degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084, if the official
investigation or official proceeding affected involves the
investigation or prosecution of a felony of the second degree.

5. A felony of the first degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084, if the official
investigation or official proceeding affected involves the
investigation or prosecution of a felony of the first degree.

6. A felony of the first degree, punishable by a term of
years not exceeding life or as provided in s. 775.082, s.
775.083, or s. 775.084, if the official investigation or
official proceeding affected involves the investigation or
prosecution of a felony of the first degree punishable by a term
of years not exceeding life or a prosecution of a life or
capital felony ~~Any person who influences the judgment or
decision of any grand or petit juror on any matter, question,
cause, or proceeding which may be pending, or which may by law
be brought, before him or her as such juror, with intent to
obstruct the administration of justice, shall be guilty of a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.~~

Section 4. Section 918.125, Florida Statutes, is created to



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read:

918.125 Retaliating against a court official.—

(1) A person who, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding, commits any of the following acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Knowingly engages in any conduct that threatens to cause bodily injury to another person; or

(b) Damages the tangible property of another person or threatens to do so.

(2) If the conduct described in subsection (1) results in bodily injury, such person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

And the title is amended as follows:

Delete lines 4 - 16

and insert:

836.12, F.S.; defining the term "administrative assistant"; providing criminal penalties for persons who knowingly and willfully threaten specified court personnel; providing criminal penalties for persons who knowingly and willfully harass specified court personnel with certain intent; creating s. 918.115, F.S.; defining terms; amending s. 918.12, F.S.; providing criminal penalties for persons who knowingly with certain intent tamper with court officials;



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214 providing criminal penalties for persons who
215 intentionally harass court officials when such
216 harassment has a specified outcome; creating s.
217 918.125, F.S.; providing criminal penalties for
218 persons who retaliate against court officials for
219 their participation in official investigations or
220 proceedings; providing enhanced criminal penalties if
221 the retaliation results in bodily injury; amending ss.

By Senator Martin

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A bill to be entitled

An act relating to tampering with, harassing, or retaliating against court officials; amending s. 918.12, F.S.; defining the term "court official"; defining the offenses of tampering with or harassing court officials; providing criminal penalties; providing that no state of mind need be proved with respect to specified circumstances; creating s. 918.125, F.S.; defining the term "court official"; prohibiting specified conduct with retaliatory intent toward court officials; providing criminal penalties; creating s. 918.21, F.S.; prohibiting a person with the intent to retaliate against certain court officials from knowingly engaging in or threatening to engage in actions that cause bodily injury or property damage; providing criminal penalties; amending ss. 772.102, 895.02, and 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 918.12, Florida Statutes, is amended to read:

918.12 Tampering with or harassing court officials ~~jurors~~.-

(1) DEFINITION.-As used in this section, the term "court official" means any judge, magistrate judge, grand juror, petit juror, clerk, deputy clerk, judicial assistant, attorney, bailiff or court deputy.

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(2) TAMPERING.-

(a) A person who knowingly:

1. Uses intimidation or physical force;
2. Threatens any person, or attempts to do so;
3. Engages in misleading conduct toward any person; or
4. Offers pecuniary benefit or gain to any person,

with intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official.

(b) Tampering with a court official is a:

1. Felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, in which the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or any noncriminal matter pending in county court.

2. Felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, in which the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.

3. Felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, in which the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.

4. Felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, in which the official investigation or

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59 official proceeding affected involves the investigation or
 60 prosecution of a first degree felony or a first degree felony
 61 punishable by a term of years not exceeding life.

62 5. Life felony, punishable as provided in s. 775.082, s.
 63 775.083, or s. 775.084, in which the official investigation or
 64 official proceeding affected involves the investigation or
 65 prosecution of a life or capital felony.

66 6. Felony of the third degree, punishable as provided in s.
 67 775.082, s. 775.083, or s. 775.084, in which the offense level
 68 of the affected official investigation or official proceeding is
 69 indeterminable.

70 (3) HARASSING.—

71 (a) Whoever intentionally harasses a court official and
 72 thereby hinders, delays, prevents, or dissuades any court
 73 official from:

74 1. Attending an official proceeding;

75 2. Rendering a fair verdict based solely upon the evidence
 76 produced at an official proceeding and the law; or

77 3. Following the rules of juror behavior and deliberation
 78 as set forth by the judge,

79 or attempts to do so, commits the crime of harassing a court
 80 official.

81 (b) Harassing a court official is a:

82 1. Misdemeanor of the first degree, punishable as provided
 83 in s. 775.082 or s. 775.083, in which the official investigation
 84 or official proceeding affected involves the investigation or
 85 prosecution of a misdemeanor or any noncriminal matter pending
 86 in county court.

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88 2. Felony of the third degree, punishable as provided in s.
 89 775.082, s. 775.083, or s. 775.084, in which the official
 90 investigation or official proceeding affected involves the
 91 investigation or prosecution of a third degree felony or any
 92 noncriminal matter pending in circuit court.

93 3. Felony of the second degree, punishable as provided in
 94 s. 775.082, s. 775.083, or s. 775.084, in which the official
 95 investigation or official proceeding affected involves the
 96 investigation or prosecution of a second degree felony.

97 4. Felony of the first degree, punishable as provided in s.
 98 775.082, s. 775.083, or s. 775.084, in which the official
 99 investigation or official proceeding affected involves the
 100 investigation or prosecution of a first degree felony.

101 5. Felony of the first degree, punishable by a term of
 102 years not exceeding life or as provided in s. 775.082, s.
 103 775.083, or s. 775.084, in which the official investigation or
 104 official proceeding affected involves the investigation or
 105 prosecution of a felony of the first degree punishable by a term
 106 of years not exceeding life or a prosecution of a life or
 107 capital felony.

108 6. Felony of the third degree, punishable as provided in s.
 109 775.082, s. 775.083, or s. 775.084, in which the offense level
 110 of the affected official investigation or official proceeding is
 111 indeterminable.

112 (4) STATE OF MIND.—In a prosecution for an offense under
 113 this section, no state of mind need be proved with respect to
 114 the circumstance:

115 (a) That the official proceeding before a judge, court,
 116 grand jury, or government agency is before a judge or court of

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the state, a state or local grand jury, or a state agency; or

(b) That the judge is a judge of the state or that the law enforcement officer is an officer or employee of the state or a person authorized to act for or on behalf of the state or serving the state as an adviser or consultant. ~~Any person who influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 2. Section 918.125, Florida Statutes, is created to read:

918.125 Retaliation against a court official.-

(1) As used in this section, the term "court official" has the same meaning as in s. 918.12.

(2) A person who knowingly engages in any conduct that causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against a court official as defined in 918.12 for the court official's participation in an official investigation or official proceeding:

(a) Commits a felony in the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; or

(b) If the conduct results in bodily injury, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Section 918.21, Florida Statutes, is created to read:

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918.21 Retaliation against a court official.-

(1) A person who, with intent to retaliate against a person classified as a court official for his or her participation in an official investigation or proceeding, does any of the following commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Knowingly engages in any conduct that threatens to cause bodily injury to another person; or

(b) Damages the tangible property of another person or threatens to do so.

(2) If the conduct described in subsection (1) results in bodily injury, such person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

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175 6. Section 550.235 or s. 550.3551, relating to dogracing
 176 and horseracing.
 177 7. Chapter 550, relating to jai alai frontons.
 178 8. Chapter 552, relating to the manufacture, distribution,
 179 and use of explosives.
 180 9. Chapter 562, relating to beverage law enforcement.
 181 10. Section 624.401, relating to transacting insurance
 182 without a certificate of authority, s. 624.437(4)(c)1., relating
 183 to operating an unauthorized multiple-employer welfare
 184 arrangement, or s. 626.902(1)(b), relating to representing or
 185 aiding an unauthorized insurer.
 186 11. Chapter 687, relating to interest and usurious
 187 practices.
 188 12. Section 721.08, s. 721.09, or s. 721.13, relating to
 189 real estate timeshare plans.
 190 13. Chapter 782, relating to homicide.
 191 14. Chapter 784, relating to assault and battery.
 192 15. Chapter 787, relating to kidnapping or human
 193 trafficking.
 194 16. Chapter 790, relating to weapons and firearms.
 195 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
 196 relating to prostitution.
 197 18. Chapter 806, relating to arson.
 198 19. Section 810.02(2)(c), relating to specified burglary of
 199 a dwelling or structure.
 200 20. Chapter 812, relating to theft, robbery, and related
 201 crimes.
 202 21. Chapter 815, relating to computer-related crimes.
 203 22. Chapter 817, relating to fraudulent practices, false

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204 pretenses, fraud generally, and credit card crimes.
 205 23. Section 827.071, relating to commercial sexual
 206 exploitation of children.
 207 24. Chapter 831, relating to forgery and counterfeiting.
 208 25. Chapter 832, relating to issuance of worthless checks
 209 and drafts.
 210 26. Section 836.05, relating to extortion.
 211 27. Chapter 837, relating to perjury.
 212 28. Chapter 838, relating to bribery and misuse of public
 213 office.
 214 29. Chapter 843, relating to obstruction of justice.
 215 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 216 s. 847.07, relating to obscene literature and profanity.
 217 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 218 849.25, relating to gambling.
 219 32. Chapter 893, relating to drug abuse prevention and
 220 control.
 221 33. Section 914.22 or s. 914.23, relating to witnesses,
 222 victims, or informants.
 223 34. Section 918.12, s. 918.125, or s. 918.13, relating to
 224 tampering with or harassing court officials, retaliating against
 225 court officials, jurors and tampering with evidence.
 226 Section 5. Paragraph (a) of subsection (8) of section
 227 895.02, Florida Statutes, is amended to read:
 228 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
 229 (8) "Racketeering activity" means to commit, to attempt to
 230 commit, to conspire to commit, or to solicit, coerce, or
 231 intimidate another person to commit:
 232 (a) Any crime that is chargeable by petition, indictment,

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233 or information under the following provisions of the Florida
 234 Statutes:

235 1. Section 104.155(2), relating to aiding or soliciting a
 236 noncitizen in voting.

237 2. Section 210.18, relating to evasion of payment of
 238 cigarette taxes.

239 3. Section 316.1935, relating to fleeing or attempting to
 240 elude a law enforcement officer and aggravated fleeing or
 241 eluding.

242 4. Chapter 379, relating to the illegal sale, purchase,
 243 collection, harvest, capture, or possession of wild animal life,
 244 freshwater aquatic life, or marine life, and related crimes.

245 5. Section 403.727(3)(b), relating to environmental
 246 control.

247 6. Section 409.920 or s. 409.9201, relating to Medicaid
 248 fraud.

249 7. Section 414.39, relating to public assistance fraud.

250 8. Section 440.105 or s. 440.106, relating to workers'
 251 compensation.

252 9. Section 443.071(4), relating to creation of a fictitious
 253 employer scheme to commit reemployment assistance fraud.

254 10. Section 465.0161, relating to distribution of medicinal
 255 drugs without a permit as an Internet pharmacy.

256 11. Section 499.0051, relating to crimes involving
 257 contraband, adulterated, or misbranded drugs.

258 12. Part IV of chapter 501, relating to telemarketing.

259 13. Chapter 517, relating to sale of securities and
 260 investor protection.

261 14. Section 550.235 or s. 550.3551, relating to dogracing

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262 and horseracing.

263 15. Chapter 550, relating to jai alai frontons.

264 16. Section 551.109, relating to slot machine gaming.

265 17. Chapter 552, relating to the manufacture, distribution,
 266 and use of explosives.

267 18. Chapter 560, relating to money transmitters, if the
 268 violation is punishable as a felony.

269 19. Chapter 562, relating to beverage law enforcement.

270 20. Section 624.401, relating to transacting insurance
 271 without a certificate of authority, s. 624.437(4)(c)1., relating
 272 to operating an unauthorized multiple-employer welfare
 273 arrangement, or s. 626.902(1)(b), relating to representing or
 274 aiding an unauthorized insurer.

275 21. Section 655.50, relating to reports of currency
 276 transactions, when such violation is punishable as a felony.

277 22. Chapter 687, relating to interest and usurious
 278 practices.

279 23. Section 721.08, s. 721.09, or s. 721.13, relating to
 280 real estate timeshare plans.

281 24. Section 775.13(5)(b), relating to registration of
 282 persons found to have committed any offense for the purpose of
 283 benefiting, promoting, or furthering the interests of a criminal
 284 gang.

285 25. Section 777.03, relating to commission of crimes by
 286 accessories after the fact.

287 26. Chapter 782, relating to homicide.

288 27. Chapter 784, relating to assault and battery.

289 28. Chapter 787, relating to kidnapping, human smuggling,
 290 or human trafficking.

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291 29. Chapter 790, relating to weapons and firearms.
 292 30. Chapter 794, relating to sexual battery, but only if
 293 such crime was committed with the intent to benefit, promote, or
 294 further the interests of a criminal gang, or for the purpose of
 295 increasing a criminal gang member's own standing or position
 296 within a criminal gang.
 297 31. Former s. 796.03, former s. 796.035, s. 796.04, s.
 298 796.05, or s. 796.07, relating to prostitution.
 299 32. Chapter 806, relating to arson and criminal mischief.
 300 33. Chapter 810, relating to burglary and trespass.
 301 34. Chapter 812, relating to theft, robbery, and related
 302 crimes.
 303 35. Chapter 815, relating to computer-related crimes.
 304 36. Chapter 817, relating to fraudulent practices, false
 305 pretenses, fraud generally, credit card crimes, and patient
 306 brokering.
 307 37. Chapter 825, relating to abuse, neglect, or
 308 exploitation of an elderly person or disabled adult.
 309 38. Section 827.071, relating to commercial sexual
 310 exploitation of children.
 311 39. Section 828.122, relating to fighting or baiting
 312 animals.
 313 40. Chapter 831, relating to forgery and counterfeiting.
 314 41. Chapter 832, relating to issuance of worthless checks
 315 and drafts.
 316 42. Section 836.05, relating to extortion.
 317 43. Chapter 837, relating to perjury.
 318 44. Chapter 838, relating to bribery and misuse of public
 319 office.

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320 45. Chapter 843, relating to obstruction of justice.
 321 46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 322 s. 847.07, relating to obscene literature and profanity.
 323 47. Chapter 849, relating to gambling, lottery, gambling or
 324 gaming devices, slot machines, or any of the provisions within
 325 that chapter.
 326 48. Chapter 874, relating to criminal gangs.
 327 49. Chapter 893, relating to drug abuse prevention and
 328 control.
 329 50. Chapter 896, relating to offenses related to financial
 330 transactions.
 331 51. Sections 914.22 and 914.23, relating to tampering with
 332 or harassing a witness, victim, or informant, and retaliation
 333 against a witness, victim, or informant.
 334 52. Sections 918.12, 918.125, and 918.13, relating to
 335 tampering with or harassing court official, retaliating against
 336 court officials, jurors ~~and~~ tampering with evidence.
 337 Section 6. Paragraph (d) of subsection (3) of section
 338 921.0022, Florida Statutes, is amended to read:
 339 921.0022 Criminal Punishment Code; offense severity ranking
 340 chart.—
 341 (3) OFFENSE SEVERITY RANKING CHART
 342 (d) LEVEL 4
 343
 344

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding

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			or soliciting noncitizen	
			electors in voting.	
345				
	316.1935 (3) (a)	2nd	Driving at high speed or	
			with wanton disregard	
			for safety while fleeing	
			or attempting to elude	
			law enforcement officer	
			who is in a patrol	
			vehicle with siren and	
			lights activated.	
346				
	499.0051 (1)	3rd	Failure to maintain or	
			deliver transaction	
			history, transaction	
			information, or	
			transaction statements.	
347				
	499.0051 (5)	2nd	Knowing sale or	
			delivery, or possession	
			with intent to sell,	
			contraband prescription	
			drugs.	
348				
	517.07 (1)	3rd	Failure to register	
			securities.	
349				
	517.12 (1)	3rd	Failure of dealer or	
			associated person of a	

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			dealer of securities to	
			register.	
350				
	784.031	3rd	Battery by	
			strangulation.	
351				
	784.07 (2) (b)	3rd	Battery of law	
			enforcement officer,	
			firefighter, etc.	
352				
	784.074 (1) (c)	3rd	Battery of sexually	
			violent predators	
			facility staff.	
353				
	784.075	3rd	Battery on detention or	
			commitment facility	
			staff.	
354				
	784.078	3rd	Battery of facility	
			employee by throwing,	
			tossing, or expelling	
			certain fluids or	
			materials.	
355				
	784.08 (2) (c)	3rd	Battery on a person 65	
			years of age or older.	
356				
	784.081 (3)	3rd	Battery on specified	
			official or employee.	

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357

784.082(3)

3rd

Battery by detained
person on visitor or
other detainee.

358

784.083(3)

3rd

Battery on code
inspector.

359

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

360

787.03(1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

361

787.04(2)

3rd

Take, entice, or remove
child beyond state
limits with criminal
intent pending custody
proceedings.

362

787.04(3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at

Page 15 of 23

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

33-01520A-25

20251838__

363

custody hearing or
delivering to designated
person.

364

787.07

3rd

Human smuggling.

790.115(1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

365

790.115(2)(b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

366

790.115(2)(c)

3rd

Possessing firearm on
school property.

367

794.051(1)

3rd

Indecent, lewd, or
lascivious touching of
certain minors.

368

800.04(7)(c)

3rd

Lewd or lascivious
exhibition; offender
less than 18 years.

369

806.135

2nd

Destroying or
demolishing a memorial

Page 16 of 23

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

	33-01520A-25		20251838	or historic property.
370				
	810.02(4)(a)	3rd		Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
371				
	810.02(4)(b)	3rd		Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
372				
	810.06	3rd		Burglary; possession of tools.
373				
	810.08(2)(c)	3rd		Trespass on property, armed with firearm or dangerous weapon.
374				
	810.145(3)(b)	3rd		Digital voyeurism dissemination.
375				
	812.014(2)(c)3.	3rd		Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
376				
	812.014	3rd		Grand theft, 3rd degree;

	33-01520A-25		20251838	specified items.
	(2)(c)4. & 6.-10.			
377				
	812.014(2)(d)2.	3rd		Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
378				
	812.014(2)(e)3.	3rd		Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
379				
	812.0195(2)	3rd		Dealing in stolen property by use of the Internet; property stolen \$300 or more.
380				
	817.505(4)(a)	3rd		Patient brokering.
381				
	817.563(1)	3rd		Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
382				
	817.568(2)(a)	3rd		Fraudulent use of

	33-01520A-25		20251838	
			personal identification information.	
383	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.	
384	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.	
385	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.	
386	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	
387	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.	
388	836.14 (3)	3rd	Person who willfully	

	33-01520A-25		20251838	
			possesses a sexually explicit image with certain knowledge, intent, and purpose.	
389	837.02 (1)	3rd	Perjury in official proceedings.	
390	837.021 (1)	3rd	Make contradictory statements in official proceedings.	
391	838.022	3rd	Official misconduct.	
392	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.	
393	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.	
394	843.021	3rd	Possession of a concealed handcuff key by a person in custody.	
395	843.025	3rd	Deprive law enforcement, correctional, or	

33-01520A-25

20251838

correctional probation
officer of means of
protection or
communication.

396

843.15(1)(a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

397

843.19(2)

2nd

Injure, disable, or kill
police, fire, or SAR
canine or police horse.

398

847.0135(5)(c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

399

870.01(3)

2nd

Aggravated rioting.

400

870.01(5)

2nd

Aggravated inciting a
riot.

401

874.05(1)(a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

402

893.13(2)(a)1.

2nd

Purchase of cocaine (or

Page 21 of 23

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

33-01520A-25

20251838

other s. 893.03(1)(a),
(b), or (d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

403

914.14(2)

3rd

Witnesses accepting
bribes.

404

914.22(1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

405

914.23(2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

406

916.1085
(2)(c)1.

3rd

Introduction of
specified contraband
into certain DCF
facilities.

407

~~918.12~~~~3rd~~~~Tampering with jurors.~~

408

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

409

Page 22 of 23

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

33-01520A-25

20251838__

944.47(1)(a)6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

410

951.22(1)(h),
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

411

412

Section 7. This act shall take effect October 1, 2025.

The Florida Senate

APPEARANCE RECORD

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

3/18/25

Meeting Date

Criminal Justice

Committee

1838

Bill Number or Topic

* 595212

Amendment Barcode (if applicable)

Name

Philip Wartenberg

Phone

813.272.5351

Address

800 E. Twiggs St., Rm. 404

Email

philip.wartenberg@fljud13.org

Street

Tampa

City

FL

State

33602

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:

FAMILY LAW SECTION FL BAR

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

3/18/25

Meeting Date

CRIM JUSTICE

Committee

1838

Bill Number or Topic

Amendment Barcode (if applicable)

Name

AARON WAYT

Phone

(407) 435-3194

Address

FL ASSN OF CRIM DEF LAWYERS

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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S-001 (08/10/2021)

March 18, 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

1838

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/18/2025

1838

Meeting Date

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name Morgan Parrish

Phone 850.577.4697

Address 215 S Monroe St

Email mparrish@flclerks.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 Court Clerks and
Comptrollers

☐ 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

3/18/2025

Meeting Date

Criminal Justice

Committee

1838

Bill Number or Topic

Amendment Barcode (if applicable)

Name Clerk Gwen Marshall Knight

Phone 850.606.4000

Address 301 S Monroe St

Street

Tallahassee

FL

32301

City

State

Zip

Email

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

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

March 18 2025

Meeting Date

Criminal Justice

Committee

1838

Bill Number or Topic

Amendment Barcode (if applicable)

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

Name **Jennifer Cook Pritt**

Phone **850-219-3631**

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

1838

Bill Number or Topic

Meeting Date

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

PHILIP WARTENBERG

Phone

813. 272. 5351

Address

Street

800 E. Twiggs St., Rm 404

Email

philip.wartenberg@fljud13.org

City

Tampa, FL

State

Zip

33602

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:

FAMILY LAW SECTION, FL BAR

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 \(flsenate.gov\)](#)

1705

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

S. Michelle Whitworth

is duly appointed a member of the

Florida Commission on Offender Review

for a term beginning on the First day of July, A.D., 2024, until
the Thirtieth day of June, A.D., 2030 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Third day of September, A.D., 2024.



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DeSANTIS
GOVERNOR

RECEIVED

2024 AUG -9 PM 4:10

DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised that the Cabinet and I have made the following appointment under the provisions of Section 947.02, Florida Statutes:

Ms. Susan "Michelle" Whitworth
2937 Brandemere Drive
Tallahassee, Florida 32312

as a member of the Florida Commission on Offender Review, succeeding Melinda Coonrod, subject to confirmation by the Senate. This appointment is effective July 1, 2024, for a term ending June 30, 2030.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/ch

HAND DELIVERED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2024 SEP 18 PM 3:44

STATE OF FLORIDA

DIVISION OF ELECTIONS
TALLAHASSEE, FL

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Commission on Offender Review

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

S. Michelle Whitworth
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 18th day of September, 2024.



CONSTANCE CARTER
Notary Public
State of Florida
Comm# HH298578
Expires 8/8/2026

Constance Carter
Signature of Officer Administering Oath or of Notary Public

Constance Carter
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

4070 Esplanade Way
Street or Post Office Box

S. Michelle Whitworth
Print Name

Tallahassee, FL 32399
City, State, Zip Code

S. Michelle Whitworth
Signature

127924

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

9/3/2024

Date Completed

1. Name: Mrs. Whitworth Susan "Michelle"
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: _____
Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____
Street City County

not applicable

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☒ Residence ☐ Fax # none
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
not applicable			
not applicable			
not applicable			
not applicable			

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
not applicable			
not applicable			
not applicable			
not applicable			
not applicable			

5. Date of Birth: _____ Place of Birth: Tallahassee

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes ☒ No ☐ If "Yes" Explain

Susan Michelle Gill was my maiden name, upon my marriage on 2/28/2009

I changed my last name to Whitworth.

RECEIVED
 DEPARTMENT OF STATE
 2024 SEP -5 PM 3:01
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

not applicable

If you are a naturalized citizen, date of naturalization: not applicable

10. Since what year have you been a continuous resident of Florida? 1989

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: Leon

B. Current Party Affiliation: Republican

12. Education

A. High School: Ball High School, Galveston, Texas
(Name and Location)

Year Graduated: 1989

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>North Florida Community College, Madison, Florida</u>	<u>9/1989 to 8/1991</u>	<u>Associates of Arts Degree</u>
<u>Florida State University, Tallahassee, Florida</u>	<u>9/1991 to 8/1993</u>	<u>Bachelor of Science Degree in Criminology</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service: not applicable

B. Branch or Component: not applicable

C. Date & type of discharge: not applicable

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes ☐ No ☒ If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
<u>not applicable</u>			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, FL. 32399, State Agency, Executive Clemency Coordinator, *8/18/2006 to Current</u>			
<u>* I have held multiple positions at the Florida Commission on Offender Review. Please see the answer to #16 and the additional page for details.</u>			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☒ No ☐
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Executive Clemency Coordinator, Florida Commission on Offender Review,</u>		<u>6/4/2019 to 6/30/2024</u>
<u>Commission Investigator Supervisor, Florida Commission on Offender Review,</u>		<u>6/1/2013 to 6/3/2019</u>

*Please see attached additional page listing additional state employments.

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I view this vital position to require high moral trust and commitment to service. During my career, I have been relentless in my pursuit to ensure the plights of victims and their families are documented and fully acknowledged. I possess superior understanding of the rules, law, and processes governing diverse criminal populations. My extensive knowledge has been developed through my specific work and historical knowledge in the areas of community supervision including probation and parole, the various forms of prison release, the prison population and executive clemency. During my tenure as a probation officer, I was heavily involved with the judiciary, prosecutors, and defense attorneys. This tenure allowed me to hone the decision-making capabilities required of a Commissioner. My experience in working in a correctional institution and understanding inmates from a "boots on the ground" perspective will provide me with an expert knowledge of the necessary factors to consider. I will bring a superior understanding of the rules, law, and processes governing the Florida Commission on Offender Review.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☒ No ☐ If "Yes", list:

I hold a degree in Criminology which included the following course work: Criminology; Research Methods in Criminology; Victimology; Criminal and Delinquent Behavior; Corrections; Law Enforcement; Punishment and Punitiveness; The Courts; Law Enforcement; and Substantive Criminal Law. While serving as a Probation Officer, I graduated from the Department of Corrections Certified Probation Officer Training Academy. I subsequently passed the Florida Department of Law Enforcement State Probation Officer Certification Examination which included proficiency in the following course work: Introduction to Correctional Probation; Legal Foundations for Correctional Probation; Communications; Intake and Orientation; Caseload Management; Field Supervision; First Aid for Criminal Justice Officers; and Criminal Justice Defensive Tactics.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☒ No ☐ If "Yes", list:

In August of 2020, I was awarded the Florida Council on Crime and Delinquency's (FCCD) Statewide Criminal Justice Award for my significant contribution to criminal justice. In June of 2014, I received the FCCD Chapter 2 Criminal Justice Award. I was awarded the FCCD President's Award in 2016, 2017, 2020, 2021 and 2023 for my significant contribution to the organization's annual Criminal Justice Training Institute. In November of 2021, I was honored to be spotlighted in the Tallahassee Woman magazine's section "Women to Watch". I was the recipient of the Commission on Offender Review's Superior Achievement Award in 2014, 2019, and 2022, and was awarded Employee of The Year in 2016.

D. Identify all association memberships and association offices held by you that relate to this appointment:

not applicable

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes ☐ No ☒ If "Yes", list:

not applicable

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☒ No ☐ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Executive Clemency Coordinator, Office of Executive Clemency,	appointed on 6/4/2019,	no term limit,	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: not applicable

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended

Meetings Missed

Reason for Absence

not applicable

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date

Nature of Violation

Disposition

not applicable

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: not applicable

C. Reason for suspension: not applicable

B. Date of suspension: not applicable

D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☐ No ☒ If "Yes", list:

A. Title of Office: not applicable

B. Term of Appointment: not applicable

C. Confirmation results: not applicable

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

not applicable

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☒ No ☐ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate

Original

Title & Number

Issue Date

Issuing Authority

Disciplinary Action/Date

Real Estate Sales Associate, SL3187995, 12/04/2006, Department of Business and Professional Regulation, None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business

Your Relationship to Business

Business' Relationship to Agency

not applicable

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
not applicable			

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☒

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
not applicable	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
David Arthmann			
Laura Bedard			
Jane Tillman			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Florida Council on Crime and Delinquency, PO Box 91414, Lakeland, FL 33804-1414, Executive Board Secretary, Treasurer, President-Elect, 4 year term, 8/25/2022 to Current; original membership 1998-Current			
Association of Paroling Authorities International, PO Box 8841, Huntsville, TX 77340, member only,			6/2019 to 1/2024 & 7/2024 to Current
Federalist Society, 1776 I Street, NW Suite 300, Washington, DC 20006, member only,			6/22/2020 to Current
American Correctional Association, 206 N. Washington Street, Suite 200, Alexandria, VA 22314, member only,			2006 to current
Capital City Republican Club, PO Box 11192 Tallahassee, FL 32302, member only,			2/2/2022 to 7/2/2024

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

not applicable

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Leon

RECEIVED
DEPARTMENT OF STATE

2024 SEP -5 PM 3:01

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Susan Michelle Whitworth,

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Susan Michelle Whitworth

Signature of Applicant-Affiant

Sworn to and subscribed before me this 5th day of September, 2024

Constance Carter

Signature of Notary Public-State of Florida

Constance Carter

(Print, Type, or Stamp Commissioned Name of Notary Public)



CONSTANCE CARTER
Notary Public
State of Florida
Comm# HH298578
Expires 8/8/2026

My commission expires: 8/8/2026

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- ☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

119.071 2.a. former Certified Correctional Probation Officer

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

Senate Confirmation Questionnaire

Please mail to: Room316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.

Please type or use blue ink.

1. Board of Interest: Florida Commission on Offender Review

2. Current Employer and Occupation: Florida Commission on Offender Review, Commissioner

3. Are you applying for reappointment: Yes ☐ No ☒

4. *Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

not applicable

5. *Sex: Male ☐ Female ☒

6. *Race: White ☒ African-American ☐
Hispanic-American ☐ Asian/Pacific Islander ☐
Native-American/Alaskan Native ☐

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor. NO

8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.
yes, mentoring girls at school.

Susan Michelle Whitworth
Applicant's Name, including name commonly used
(Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

Susan "Michelle" Whitworth
Questionnaire for Senate Confirmation addition information

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Capital Punishment Research Specialist,	FL Commission on Offender Review	1/09/2007 to 5/31/2013
Commission Investigator	FL Commission on Offender Review	8/18/2006 to 12/31/2006
Senior Classification Officer	FL Department of Corrections	2/17/2006 to 08/17/2006
Management Review Specialist	FL Department of Corrections	1/5/2004 to 2/16/2006
Senior Probation Officer	FL Department of Corrections	3/11/1994 to 2/15/2006

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Susan Michelle Whitworth
Florida Commission on Offender Review

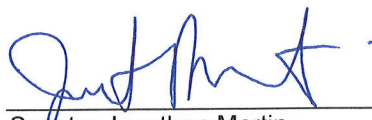
NOTICE OF HEARING

TO: Ms. Susan Michelle Whitworth

YOU ARE HEREBY NOTIFIED that the Committee on Criminal Justice of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, March 18, 2025, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 3:30 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 11th day of March, 2025

Committee on Criminal Justice



Senator Jonathan Martin
As Chair and by authority of the committee

cc: Members, Committee on Criminal Justice
Office of the Sergeant at Arms

The Florida Senate

APPEARANCE RECORD

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

Confirmation of
S. Michelle Whitworth

Bill Number or Topic

Amendment Barcode (if applicable)

850. 487. 1980

3/18/2025

Meeting Date

Senate CJ

Committee

Name

David Wyant, FCOR Chairman

Phone

Address

4670 Esplanade Way

Email

davidwyant@FCOR.state.fl.us

Street

Tallahassee

State

FL

Zip

32399

City

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

APPEARANCE RECORD

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

Confirmation Hearing
Susan M. Whitworth

Bill Number or Topic

18 Mar 25

Meeting Date

CJ

Committee

Amendment Barcode (if applicable)

Name

Barney Bishop III

Phone

850.510.9922

Address

1454 Vieux Carre Dr

Email

Street

Tall

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.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37 **Case No.:**
Caption: Senate Committee on Criminal Justice

Type:
Judge:

Started: 3/18/2025 3:33:24 PM
Ends: 3/18/2025 5:10:22 PM **Length:** 01:36:59

3:33:24 PM	Chair Martin calls meeting to order
3:33:26 PM	Roll Call
3:33:43 PM	Quorum
3:33:45 PM	Chair Martin makes opening remarks
3:34:01 PM	Tab 13: Senate Confirmation Hearing, Susan Whitworth
3:34:13 PM	Chair Martin swears in Susan Whitworth
3:34:23 PM	Susan Whitworth addresses committee
3:35:01 PM	Public testimony
3:35:07 PM	Chair Martin reads waiving
3:35:20 PM	Susan Whitworth makes closing remarks
3:35:52 PM	Senator Smith motion to recommend confirmation
3:36:03 PM	Roll Call
3:36:19 PM	Chair Martin reports confirmation
3:36:25 PM	Tab 9: SB 1692 Material that is Harmful to Minors by Senator McClain
3:36:35 PM	Amendment 945504 by Senator McClain
3:36:45 PM	Senator McClain explains amendment
3:38:14 PM	Questions
3:38:15 PM	Senator Pizzo
3:38:29 PM	Senator McClain
3:38:35 PM	Senator Pizzo
3:38:50 PM	Amanda Stokes
3:39:04 PM	Senator Pizzo
3:39:12 PM	Senator Bradley
3:39:30 PM	Senator McClain
3:40:32 PM	Senator Bradley
3:40:52 PM	Senator McClain
3:41:39 PM	Senator Smith
3:42:11 PM	Senator McClain
3:42:49 PM	Senator Smith
3:43:32 PM	Senator McClain
3:44:08 PM	Senator Smith
3:44:32 PM	Senator McClain
3:45:10 PM	Public testimony
3:45:38 PM	Stephana Ferrell
3:47:14 PM	Erin Decker
3:48:26 PM	Debate
3:48:28 PM	Senator Smith
3:49:38 PM	Senator Pizzo
3:50:24 PM	Senator McClain closes on amendment
3:52:15 PM	Chair Martin reports amendment
3:52:19 PM	Public testimony
3:52:32 PM	Stephana Ferrell
3:53:56 PM	Brenda Fam
3:55:14 PM	Senator Pizzo
3:55:31 PM	Brenda Fam
3:55:58 PM	Senator Pizzo
3:56:09 PM	Brenda Fam
3:56:17 PM	Senator Pizzo
3:56:33 PM	Brenda Fam
3:56:50 PM	Senator Pizzo
3:57:06 PM	Brenda Fam
3:57:07 PM	Senator Pizzo

3:57:10 PM	Brenda Fam
3:57:40 PM	Senator Pizzo
3:57:42 PM	Brenda Fam
3:57:48 PM	Senator Pizzo
3:57:52 PM	Brenda Fam
3:58:20 PM	Senator Pizzo
3:58:25 PM	Brenda Fam
3:58:33 PM	Senator Pizzo
3:59:15 PM	Brenda Fam
3:59:18 PM	Brenda Fam
3:59:20 PM	Senator Pizzo
3:59:33 PM	Ryan Kennedy, Florida Citizens Alliance
4:01:00 PM	Tessa Quinones
4:02:38 PM	Aaron DiPietro, Florida Family Voice
4:04:10 PM	Senator Pizzo
4:04:15 PM	Aaron DiPietro
4:04:17 PM	Senator Pizzo
4:04:28 PM	Aaron DiPietro
4:04:44 PM	Erin Decker
4:06:07 PM	Kathleen Murray
4:07:17 PM	Mary Valenzuela
4:08:36 PM	Chair Martin reads waiving
4:09:29 PM	Debate
4:09:31 PM	Senator Smith
4:11:21 PM	Senator Pizzo
4:14:57 PM	Senator Yarborough
4:18:05 PM	Senator McClain closes on bill
4:20:32 PM	Roll Call
4:20:57 PM	Tab 6: SB 1422 Unmanned Aircraft or Unmanned Aircraft Systems by Senator Truenow
4:21:04 PM	Amendment 742930 by Senator Truenow
4:21:11 PM	Senator Truenow explains bill and amendment
4:23:12 PM	Amendment to amendment 490098 by Senator Truenow
4:23:16 PM	Senator Truenow explains amendment to amendment
4:23:44 PM	Senator Truenow waives close on amendment to amendment
4:23:53 PM	Chair Martin reports amendment to amendment
4:24:06 PM	Senator Truenow waives close on amendment
4:24:08 PM	Chair Martin reports amendment
4:24:18 PM	Questions
4:24:24 PM	Senator Smith
4:24:49 PM	Senator Truenow
4:25:04 PM	Public testimony
4:25:05 PM	Barney Bishop, Florida Smart Justice Alliance waiving
4:25:15 PM	Senator Truenow waives close on bill
4:25:22 PM	Roll Call
4:25:45 PM	Tab 5: SB 1360 Controlled Substances by Senator Leek
4:25:51 PM	Senator Leek explains bill
4:26:41 PM	Amendment 858828 by Senator Leek
4:26:45 PM	Senator Leek explains amendment
4:27:03 PM	Senator Leek waives close on amendment
4:27:04 PM	Chair Martin reports amendment
4:27:06 PM	Questions
4:27:10 PM	Senator Smith
4:27:32 PM	Senator Leek
4:27:49 PM	Public testimony
4:28:08 PM	Marsia Brana
4:29:11 PM	Chair Martin reads waiving
4:29:49 PM	Debate
4:29:50 PM	Senator Pizzo
4:31:00 PM	Senator Leek closes on bill
4:31:17 PM	Roll Call
4:31:45 PM	Tab 10: SB 1732 Animal Cruelty by Senator Arrington
4:31:56 PM	Amendment 864118 by Senator Arrington

4:32:03 PM Senator Arrington explains amendment
4:34:01 PM Chair Martin reports amendment
4:34:03 PM Senator Arrington waives close on amendment
4:34:05 PM Public testimony
4:34:09 PM Chair Martin reads waiving
4:34:28 PM Senator Arrington waives close on bill
4:34:38 PM Roll Call
4:35:06 PM Tab 1: SB 776 Aggravating Factors for Capital Felonies by Senator Ingoglia
4:35:13 PM Senator Ingoglia explains bill
4:35:38 PM Public testimony
4:35:49 PM Grace Hanna
4:36:59 PM Senator Pizzo
4:37:07 PM Grace Hanna
4:37:21 PM Senator Pizzo
4:37:25 PM Grace Hanna
4:37:30 PM Chair Martin reads waiving
4:37:39 PM Debate
4:37:41 PM Senator Garcia
4:38:00 PM Senator Ingoglia closes on bill
4:38:41 PM Roll Call
4:39:05 PM Tab 2: SB 984 Aggravating Factors by Senator Gruters
4:39:07 PM Senator Gruters explains bill
4:39:45 PM Public testimony
4:39:52 PM Grace Hanna
4:41:02 PM Senator Pizzo
4:41:11 PM Grace Hanna
4:41:14 PM Senator Pizzo
4:41:24 PM Grace Hanna
4:41:50 PM Chair Martin reads waiving
4:42:12 PM Senator Gruters waives closing on bill
4:42:15 PM Roll Call
4:42:32 PM Tab 7: SB 1640 Public Records/Lethality Assessment Forms by Senator Grall
4:42:42 PM Senator Grall explains bill
4:43:16 PM Questions
4:43:19 PM Senator Smith
4:43:26 PM Senator Grall
4:43:33 PM Senator Pizzo
4:43:44 PM Senator Grall
4:44:03 PM Senator Pizzo
4:44:21 PM Public testimony
4:44:23 PM Chair Martin reads waiving
4:44:30 PM Senator Grall waives close on bill
4:44:32 PM Roll Call
4:44:53 PM Tab 4: SB 1268 Department of Law Enforcement by Senator Simon
4:45:01 PM Senator Simon explains bill
4:45:34 PM Public testimony
4:45:35 PM Chair Martin reads waiving
4:45:49 PM Senator Simon waives close on bill
4:45:52 PM Roll Call
4:46:11 PM Chair Martin turns chair to Senator Smith
4:46:26 PM Tab 3: SB 1084 Sexual Cyberharassment by Senator Martin
4:46:36 PM Amendment 179540 by Senator Martin
4:47:16 PM Senator Martin waives close on amendment
4:48:17 PM Chair Smith reports amendment
4:48:29 PM Public testimony
4:48:31 PM Chair Smith reads waiving
4:49:02 PM Senator Martin waives close on bill
4:49:03 PM Roll Call
4:49:28 PM Tab 8: SB 1654 Registration of Sexual Predators and Sexual Offenders by Senator Martin
4:49:46 PM Senator Martin explains bill
4:51:21 PM Public testimony
4:51:31 PM Ann Salamone

4:52:49 PM	Chair Smith
4:53:07 PM	Ann Salamone
4:53:20 PM	Chair Smith reads waiving
4:53:57 PM	Senator Martin waives close on bill
4:54:01 PM	Roll Call
4:54:22 PM	Tab 11: SB 1774 Rebuttable Presumption for Certain Deaths by Senator Martin
4:54:41 PM	Senator Martin explains bill
4:55:45 PM	Questions
4:55:47 PM	Senator Pizzo
4:55:52 PM	Senator Martin
4:56:07 PM	Senator Pizzo
4:56:27 PM	Senator Martin
4:56:57 PM	Senator Pizzo
4:56:59 PM	Senator Martin
4:57:04 PM	Senator Pizzo
4:57:06 PM	Senator Martin
4:57:33 PM	Senator Pizzo
4:58:22 PM	Debate
4:58:23 PM	Senator Bradley
4:59:01 PM	Senator Martin closes on bill
4:59:24 PM	Roll Call
4:59:48 PM	Tab 12: SB 1838 Tampering With, Harassing, or Retaliating Against Court Officials by Senator Martin
5:00:05 PM	Senator Martin explains bill
5:01:33 PM	Amendment 595212 by Senator Martin
5:01:41 PM	Senator Martin explains amendment
5:02:23 PM	Public testimony
5:02:37 PM	Philip Wartenberg
5:04:44 PM	Senator Martin waives close on amendment
5:04:48 PM	Chair Smith reports amendment
5:04:59 PM	Public testimony
5:05:07 PM	Aaron Wayt
5:07:32 PM	Chair Smith reads waiving
5:08:44 PM	Senator Martin closes on bill
5:09:19 PM	Roll Call
5:09:45 PM	Chair Smith turns to Senator Martin
5:09:52 PM	Senator Pizzo motion to vote after Roll Call
5:10:01 PM	Senator Simon motion to vote after Roll Call
5:10:04 PM	Senator Bernard motion to vote after Roll Call
5:10:11 PM	Senator Simon moves to adjourn
5:10:16 PM	Meeting Adjourned