

<b>Tab 1</b>	<b>SB 50 by Gaetz; Similar to CS/CS/H 00199 Veterans Affairs</b>					
533034	A	S	RCS	CJ, Gaetz	Delete L.21 - 42:	01/12 03:39 PM
669186	A	S	RCS	CJ, Gaetz	Delete L.68:	01/12 03:39 PM
<b>Tab 2</b>	<b>SB 52 by Gaetz (CO-INTRODUCERS) Osgood; Similar to H 00095 Security Services at Places of Worship</b>					
596732	A	S	RCS	CJ, Gaetz	Delete L.20 - 35:	01/12 03:39 PM
<b>Tab 3</b>	<b>SB 432 by Yarborough; Similar to H 00309 Controlled Substances</b>					
<b>Tab 4</b>	<b>SB 436 by Leek; Identical to H 00623 Felony Battery</b>					
288848	A	S	RCS	CJ, Martin	btw L.99 - 100:	01/12 03:39 PM
<b>Tab 5</b>	<b>SB 524 by Simon; Similar to H 00849 Department of Law Enforcement</b>					
<b>Tab 6</b>	<b>SB 536 by Martin; Similar to H 00429 Criminal Gang Members</b>					
556058	A	S	RCS	CJ, Martin	Delete L.15 - 46:	01/12 03:39 PM
<b>Tab 7</b>	<b>SB 590 by Bradley; Identical to H 00373 Statute of Limitations Period for Violations Involving Required Reports Concerning Children</b>					
<b>Tab 8</b>	<b>SB 676 by Arrington; Identical to H 00559 Criminal Offenses</b>					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CRIMINAL JUSTICE**  
**Senator Martin, Chair**  
**Senator Smith, Vice Chair**

**MEETING DATE:** Monday, January 12, 2026

**TIME:** 1:30—3:30 p.m.

**PLACE:** *Mallory Horne Committee Room, 37 Senate Building*

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 50</b> Gaetz (Similar CS/CS/H 199)	Veterans Affairs; Revising the admissions process for veterans treatment court programs; authorizing the court, in consultation with the multidisciplinary team, to determine eligibility for veterans treatment court programs; authorizing sentencing courts to divert defendants to veterans treatment court programs under certain circumstances, etc.  CJ      01/12/2026 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0
2	<b>SB 52</b> Gaetz (Similar H 95)	Security Services at Places of Worship; Providing an exemption from licensure requirements for certain volunteers who provide armed security services for places of worship under certain circumstances, etc.  CJ      01/12/2026 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0
3	<b>SB 432</b> Yarborough (Similar H 309)	Controlled Substances; Adding 7-Hydroxymitragynine as a Schedule I controlled substance; excepting from the list of Schedule I controlled substances certain xylazine animal drug products approved by the United States Food and Drug Administration and used for certain purposes; 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; 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, etc.  CJ      01/12/2026 Favorable ACJ FP	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Monday, January 12, 2026, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 436</b> Leek (Identical H 623)	Felony Battery; Providing enhanced criminal penalties for persons who commit a second or subsequent battery after having a prior conviction for resisting an officer with violence, etc.  CJ 01/12/2026 Fav/CS ACJ RC	Fav/CS Yeas 8 Nays 0
5	<b>SB 524</b> Simon (Similar H 849)	Department of Law Enforcement; Specifying the circumstances under which an appointment or reappointment to the Medical Examiners Commission is considered in force; requiring the commission, rather than the Governor, to appoint district medical examiners for each medical examiner district; specifying that upon approval by the commission, rather than by the Governor, a physician member of the commission is eligible to serve as a district medical examiner; requiring the commission, rather than the Department of Law Enforcement, to establish or develop specified training components or courses, etc.  CJ 01/12/2026 Favorable ACJ FP	Favorable Yeas 8 Nays 0
6	<b>SB 536</b> Martin (Similar H 429)	Criminal Gang Members; Revising the definition of the term "criminal gang member", etc.  CJ 01/12/2026 Fav/CS ACJ FP	Fav/CS Yeas 6 Nays 2
7	<b>SB 590</b> Bradley (Identical H 373)	Statute of Limitations Period for Violations Involving Required Reports Concerning Children; Providing that the limitations period for offenses concerning specified required reports about children does not begin to run until a law enforcement agency is made aware of the violation, etc.  CJ 01/12/2026 Favorable CF RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Monday, January 12, 2026, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 676</b> Arrington (Identical H 559)	Criminal Offenses; 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; creating the offense of causing or enticing a minor to commit, or in the presence of a minor committing, animal cruelty, etc.  CJ      01/12/2026 Favorable ACJ FP	Favorable Yeas 8 Nays 0

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Other Related Meeting Documents

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**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.)

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

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BILL: CS/SB 50

INTRODUCER: Criminal Justice Committee and Senator Gaetz

SUBJECT: Veterans Affairs

DATE: January 13, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	<b>Fav/CS</b>
2.			JU	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 50 amends s. 394.47891, F.S., to revise the admissions process for veterans treatment court programs. The bill authorizes a defendant to participate in a veterans treatment court program if he or she is approved by the multidisciplinary team and deemed eligible.

Language requiring a defendant to submit an application to the state attorney for approval to participate in the program is removed. The bill requires entry into a veterans treatment court program to be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

Further, the bill amends s. 948.01, F.S., to authorize sentencing courts to place defendants into a postadjudicatory veterans treatment court program if the offense is a nonviolent felony, the defendant is a servicemember or veteran, and the defendant is otherwise eligible to participate as determined by s. 394.47891, F.S. Satisfactory completion of the program must be a condition of the defendant's probation or community control.

The bill may have an indeterminate fiscal impact on the Office of the State Courts Administrator. See *Section V. Fiscal Impact Statement*.

The bill takes effect on July 1, 2026.

## II. Present Situation:

Veterans have unique experiences and face unique challenges. As a result, they have unique needs. The problem-solving court team within the Office of the State Courts Administrator's, Office of Court Improvement was created to foster the development and expansion of the successful drug court concept throughout Florida.<sup>1</sup>

Veterans courts are designed to assist justice-involved defendants with the complex treatment needs associated with substance abuse, mental health, and other issues unique to the traumatic experience of war. Some veterans returning home from war find it difficult to integrate back into the community. Veterans courts involve cooperation and collaboration with traditional partners found in drug courts, such as the judge, state attorney, public defender, case manager, treatment provider, probation, and law enforcement. Added to this interdisciplinary team are representatives of the Veterans Health Administration and the Veterans Benefit Administration – as well as State Departments of Veteran Affairs, Vet Centers, Veterans Service Organizations, Department of Labor, volunteer veteran mentors, and other veteran support groups.<sup>2</sup>

It is the intent of the Legislature to encourage and support the judicial circuits of the state and other agencies, local governments, interested public and private entities, and individuals to create and maintain a veterans treatment court program in each judicial circuit.<sup>3</sup> A court with jurisdiction over criminal cases may create and administer a veterans treatment court program that may adjudicate misdemeanors and felonies.<sup>4</sup>

As of October 2025, Florida has 33 veterans courts in operation. Florida veterans courts admitted 683 participants in 2024. The following are key components of veterans courts:<sup>5</sup>

- Integration of alcohol, drug treatment, and mental health services into justice system case processing;<sup>6</sup>
- Non-adversarial approach;<sup>7</sup>
- Early identification of eligible participants;<sup>8</sup>
- Continuum of services;
- Alcohol and drug testing for abstinence;<sup>9</sup>
- Coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;<sup>10</sup>
- Monitoring and evaluation for program effectiveness;

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<sup>1</sup> Office of the State Court Administrator, Veterans Resource Guide, *Office of the State Courts Administrator*, pg 17, available at: [https://flcourts-media.flcourts.gov/content/download/2450937/file/VETERANS\\_RESOURCE\\_GUIDE\\_ADA-Compliant.pdf](https://flcourts-media.flcourts.gov/content/download/2450937/file/VETERANS_RESOURCE_GUIDE_ADA-Compliant.pdf) (last visited January 6, 2026).

<sup>2</sup> Florida Courts, Veteran Courts, *Background*, available at: <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts> (last visited January 6, 2026).

<sup>3</sup> Section 394.47891(1), F.S.

<sup>4</sup> Section 394.47891(3)(a)-(b), F.S.

<sup>5</sup> Florida Courts, Veteran Courts, *Current Status*, available at: <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts> (last visited January 6, 2026).

<sup>6</sup> Required by s. 394.47891(6)(a)1., F.S.

<sup>7</sup> Required by s. 394.47891(6)(a)2., F.S.

<sup>8</sup> Required by s. 394.47891(6)(a)3., F.S.

<sup>9</sup> Required by s. 394.47891(6)(a)4., F.S.

<sup>10</sup> Required by s. 394.47891(6)(a)5., F.S.

- Interdisciplinary education; and,
- Partnerships with stakeholders.<sup>11</sup>

A defendant<sup>12</sup> seeking to participate in a veterans treatment court program must submit an application to the state attorney and the state attorney must review each application to determine whether the defendant meets the eligibility requirements. A defendant may participate in the program if he or she is approved by the state attorney, in consultation with the court, and meets the following criteria:<sup>13</sup>

- The defendant has a service-related mental health condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological problem or has experienced military sexual trauma.<sup>14</sup>
- The defendant's participation in the veterans treatment court program is in the interest of justice and of benefit to the defendant and the community.

In making the determination, the state attorney, in consultation with the court, must consider:<sup>15</sup>

- The nature and circumstances of the offense charged.
- The special characteristics or circumstances of the defendant and any victim or alleged victim, including any recommendation of the victim or alleged victim.
- The defendant's criminal history and whether the defendant previously participated in a veterans treatment court program or similar program.
- Whether the defendant's needs exceed the treatment resources available to the veterans treatment court program.
- The impact on the community of the defendant's participation and treatment in the veterans treatment court program.
- Recommendations of any law enforcement agency involved in investigating or arresting the defendant.
- If the defendant owes restitution, the likelihood of payment during the defendant's participation in the veterans treatment court program.
- Any mitigating circumstances.
- Any other circumstances reasonably related to the defendant's case.

A defendant who meets the eligibility requirements may be admitted to a veterans treatment court program at any stage of a criminal proceeding.<sup>16</sup> A veteran or servicemember does not have a right to participate in a veterans treatment court program.<sup>17</sup>

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<sup>11</sup> Required by s. 394.47891(6)(a)7., F.S.

<sup>12</sup> "Defendant" means a veteran or servicemember who has been charged with or convicted of a criminal offense. Section 394.47891(2)(a), F.S.

<sup>13</sup> Section 394.47891(8)(a), F.S.

<sup>14</sup> "Military sexual trauma" means psychological trauma that results from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while a servicemember or veteran was serving on active duty, active duty for training, or inactive duty training. Section 394.47891(2)(b), F.S.

<sup>15</sup> Section 394.47891(8)(b), F.S.

<sup>16</sup> Section 394.47891(4), F.S.

<sup>17</sup> Section 394.47891(10), F.S.

The chief judge and state attorney of the judicial circuit have the exclusive authority to determine whether veterans who have been dishonorably discharged may participate in the program.<sup>18</sup>

### ***Postadjudicatory Probation or Community Control***

Section 948.01, F.S., provides when the court may place a defendant on probation or community control.<sup>19</sup> The sentencing court may place the defendant into a postadjudicatory treatment-based drug court program under certain circumstances including that the defendant otherwise qualifies under s. 397.334(3), F.S.<sup>20</sup> Additionally, the sentencing court may place the defendant into a post adjudicatory mental health court program under certain circumstances and the defendant otherwise qualifies under s. 394.47892(4), F.S.<sup>21</sup>

There is no provision in section 948.01, F.S., that addresses when a court may place a defendant in a postadjudicatory treatment court program specialized for veterans and servicemembers.

### **III. Effect of Proposed Changes:**

The bill amends s. 394.47891, F.S., to revise the admissions process for veterans treatment court programs. The bill authorizes a defendant to participate in a veterans treatment court program if he or she is approved by the multidisciplinary team and deemed eligible.

Language requiring a defendant to submit an application to the state attorney for approval to participate in the program is removed. The bill requires entry into a veterans treatment court program to be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

Further, the bill amends s. 948.01, F.S., to authorize sentencing courts to place defendants into a postadjudicatory veterans treatment court program if:

- The offense is a nonviolent felony<sup>22</sup> committed on or after July 1, 2026;
- The defendant is a servicemember or veteran; and,
- The defendant is otherwise eligible to participate.

The defendant must be fully advised of the purpose of the veterans treatment court program and agree to enter the program. The sentencing court must relinquish jurisdiction to the veterans treatment court program until:

- The defendant is no longer active in the program,
- The case is returned to the sentencing court due to the defendant's termination from the program for failure to comply with the terms of the program; or,
- The defendant's sentence is completed.

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<sup>18</sup> Section 394.47891(3)(d), F.S.

<sup>19</sup> Section 948.01(2), F.S.

<sup>20</sup> Section 948.01(7)(a), F.S.

<sup>21</sup> Section 948.07(8)(a), F.S.

<sup>22</sup> For the purposes of s. 948.01(9), F.S., "Nonviolent felony" means a third degree felony violation under ch. 810, F.S., or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S.



A defendant sentenced to postadjudicatory veterans treatment court program who violates probation or community control will have such violation heard by the judge presiding over the postadjudicatory veterans treatment court program. The judge must dispose of any such violation, after a hearing or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.

Satisfactory completion of the program must be a condition of the defendant's probation or community control.

The bill takes effect on July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Funding for problem solving treatment courts is generally received by legislative appropriation, grants, and local community resources funded by other entities.

The Office of the State Courts Administrator agency analysis provided the following statement regarding expenditures:

“The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting in revising approval requirements for veterans treatment court admissions...However, legislation that may increase participation in veterans treatment court programs could result in a fiscal impact to the trial courts problem-solving courts special funding category.”<sup>23</sup>

Potential cost incurred by an increase in participants may be offset by applicable offenders being diverted from detention or incarceration.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 394.47891 and 948.01 of the Florida Statutes.

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

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

**CS by Criminal Justice on January 12, 2026:**

This Committee Substitute:

- Allows for a multidisciplinary team to consider the eligibility of a defendant for a veterans treatment court program.
- Requires for entry into the program to be based upon the sentencing court’s assessment of the defendant’s criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, and the defendant’s agreement to enter the program.
- Modifies the date provided for offenses eligible for a postadjudicatory veterans treatment court from July 1, 2016, to July 1, 2026.

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<sup>23</sup> Office of the State Courts Administrator, *Agency Bill Analysis for SB50*, (on file with the Senate Committee on Criminal Justice).

**B. Amendments:**

None.

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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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533034

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
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The Committee on Criminal Justice (Gaetz) recommended the following:

**Senate Amendment**

Delete lines 21 - 42  
and insert:  
requirements provided in ~~under~~ subsection (8) may be admitted to  
a veterans treatment court program at any stage of a criminal  
proceeding. Entry into a veterans treatment court program must  
be based upon the sentencing court's assessment of the  
defendant's criminal history, substance abuse screening outcome,  
amenability to the services of the program, total sentence



533034

11 points, the recommendation of the state attorney and the victim,  
12 if any, and the defendant's agreement to enter the program. A  
13 ~~defendant seeking to participate in a veterans treatment court~~  
14 ~~program must submit an application to the state attorney. The~~  
15 ~~state attorney must review each application and determine~~  
16 ~~whether the defendant meets the eligibility requirements in~~  
17 ~~subsection (8).~~

18 (8) ELIGIBILITY.—

19 (a) A defendant may participate in a veterans treatment  
20 court program if he or she is approved by the multidisciplinary  
21 ~~team state attorney, in consultation with the court,~~ and meets  
22 the following criteria:

23 1. The defendant has a service-related mental health  
24 condition, service-related traumatic brain injury, service-  
25 related substance use disorder, or service-related psychological  
26 problem or has experienced military sexual trauma.

27 2. The defendant's participation in the veterans treatment  
28 court program is in the interest of justice and of benefit to  
29 the defendant and the community.

30 (b) In making the determination under subparagraph (a)2.,  
31 the multidisciplinary team ~~the state attorney, in consultation~~  
32 ~~with the court,~~ must consider:



669186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
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The Committee on Criminal Justice (Gaetz) recommended the following:

**Senate Amendment**

Delete line 68  
and insert:  
offenses committed on or after July 1, 2026, the sentencing

By Senator Gaetz

1-00129-26

202650

A bill to be entitled

An act relating to veterans affairs; amending s. 394.47891, F.S.; revising the admissions process for veterans treatment court programs; authorizing the court, in consultation with the multidisciplinary team, to determine eligibility for veterans treatment court programs; amending s. 948.01, F.S.; authorizing sentencing courts to divert defendants to veterans treatment court programs under certain circumstances; requiring that certain notice be provided to defendants; providing for disposition of probation or community control violations by program participants; providing an effective date.

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

Section 1. Subsections (4) and (8) of section 394.47891, Florida Statutes, are amended to read:

394.47891 Veterans treatment court programs.—

(4) ADMISSION.—A defendant who meets the eligibility requirements provided in ~~under~~ subsection (8) may be admitted to a veterans treatment court program at any stage of a criminal proceeding. ~~A defendant seeking to participate in a veterans treatment court program must submit an application to the state attorney. The state attorney must review each application and determine whether the defendant meets the eligibility requirements in subsection (8).~~

(8) ELIGIBILITY.—

(a) A defendant may participate in a veterans treatment

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

1-00129-26

202650

court program if he or she is approved by the ~~state attorney, in consultation with the court, in consultation with the~~ multidisciplinary team, and meets the following criteria:

1. The defendant has a service-related mental health condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological problem or has experienced military sexual trauma.

2. The defendant's participation in the veterans treatment court program is in the interest of justice and of benefit to the defendant and the community.

(b) In making the determination under subparagraph (a)2., ~~the state attorney, in consultation with the court, in~~ consultation with the multidisciplinary team, must consider:

1. The nature and circumstances of the offense charged.

2. The special characteristics or circumstances of the defendant and any victim or alleged victim, including any recommendation of the victim or alleged victim.

3. The defendant's criminal history and whether the defendant previously participated in a veterans treatment court program or similar program.

4. Whether the defendant's needs exceed the treatment resources available to the veterans treatment court program.

5. The impact on the community of the defendant's participation and treatment in the veterans treatment court program.

6. Recommendations of any law enforcement agency involved in investigating or arresting the defendant.

7. If the defendant owes restitution, the likelihood of payment during the defendant's participation in the veterans

Page 2 of 4

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

1-00129-26

202650

59 treatment court program.

60 8. Any mitigating circumstances.

61 9. Any other circumstances reasonably related to the  
62 defendant's case.

63 Section 2. Subsection (9) is added to section 948.01,  
64 Florida Statutes, to read:

65 948.01 When court may place defendant on probation or into  
66 community control.—

67 (9) (a) Notwithstanding s. 921.0024 and effective for  
68 offenses committed on or after July 1, 2016, the sentencing  
69 court may place the defendant into a postadjudicatory veterans  
70 treatment court program if the offense is a nonviolent felony,  
71 the defendant is a servicemember or veteran as those terms are  
72 defined in s. 394.47891(2), and the defendant is otherwise  
73 qualified to participate in a veterans treatment court program  
74 under s. 394.47891(8). Satisfactory completion of the program  
75 must be a condition of the defendant's probation or community  
76 control. As used in this subsection, the term "nonviolent  
77 felony" means a third degree felony violation under chapter 810  
78 or any other felony offense that is not a forcible felony as  
79 defined in s. 776.08.

80 (b) The defendant must be fully advised of the purpose of  
81 the veterans treatment court program, and the defendant must  
82 agree to enter the program. The original sentencing court shall  
83 relinquish jurisdiction of the defendant's case to the  
84 postadjudicatory veterans treatment court program until the  
85 defendant is no longer active in the program, the case is  
86 returned to the sentencing court due to the defendant's  
87 termination from the program for failure to comply with the

1-00129-26

202650

88 terms of the program, or the defendant's sentence is completed.

89 (c) A defendant sentenced to a postadjudicatory veterans  
90 treatment court program who, while a veterans treatment court  
91 program participant, is the subject of a violation of probation  
92 or community control under s. 948.06 shall have the violation of  
93 probation or community control heard by the judge presiding over  
94 the postadjudicatory veterans treatment court program. The judge  
95 shall dispose of any such violation, after a hearing on or  
96 admission of the violation, as he or she deems appropriate if  
97 the resulting sentence or conditions are lawful.

98 Section 3. This act shall take effect July 1, 2026.



OFFICE OF THE STATE COURTS ADMINISTRATOR  
2026 JUDICIAL IMPACT STATEMENT

BILL NUMBER: SB 50

DATE: 12/23/25

SPONSOR(S): Senator Gaetz

STATUTE(S) AFFECTED: ss. 394.47891 and 948.01, F.S.

COMPANION BILL(S): CS/CS/HB 199 by Representative Maney

AGENCY CONTACT: Tashiba Robinson, Office of Legislative Affairs

TELEPHONE: (850) 922-5692

ASSIGNED OSCA STAFF: MJA

I. SUMMARY:

The bill revises admission procedures for veterans treatment court programs to allow the court, in consultation with the multidisciplinary team, to determine defendant eligibility and approve defendant participation instead of the state attorney. The bill additionally permits admission of certain defendants charged with nonviolent felony offenses to post-adjudicatory veterans treatment court programs.

II. ANALYSIS:

*Admission to Veterans Treatment Court Programs*

Section 394.47891, F.S., prescribes statewide standards for the creation, operation, and procedures of veterans treatment court programs. Veterans treatment court programs are a type of problem-solving court designed to address the underlying cause of a veteran's involvement with the judicial system (substance abuse, mental health, and other issues unique to the traumatic experience of war<sup>1</sup>) through the use of specialized dockets, multidisciplinary teams, and evidence-based treatment. An eligible defendant may be admitted to a veterans treatment court program at any stage of a criminal proceeding.<sup>2</sup> As of December 2025, Florida has 34 operating veterans treatment court programs.<sup>3</sup>

Currently, s. 394.47891, F.S., requires a defendant seeking to participate in a veterans treat court program to submit an application to the state attorney. The state attorney must review each application and determine

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<sup>1</sup> <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts>

<sup>2</sup> Section 394.47891(4), F.S.

<sup>3</sup> <https://www.flcourts.gov/Services/Problem-Solving-Courts/problem-solving-court-types/veterans-courts>

OFFICE OF THE STATE COURTS ADMINISTRATOR  
2026 JUDICIAL IMPACT STATEMENT

whether the defendant meets statutory eligibility requirements.<sup>4</sup> The state attorney's determination must include consideration of certain factors such as the nature and circumstances of the offense charged.<sup>5</sup> A defendant who is approved by the state attorney, in consultation with the court, and who meets the statutory eligibility requirements may participate in a veterans treatment court program.

*Effect of the Bill – Admission to Veterans Treatment Court Programs*

The bill amends s. 394.47891, F.S., to allow the court, in consultation with the multidisciplinary team, to determine defendant eligibility and approve defendant participation in veterans treatment court programs rather than the state attorney. The bill makes additional conforming statutory changes by repealing the requirement that a defendant submit an application to the state attorney to participate in a veterans treatment court program.

*Post-adjudicatory Veterans Treatment Court Programs*

A sentencing court may place eligible adjudicated defendants into certain post-adjudicatory problem-solving court programs as a condition of probation or community. Specifically, s. 948.01(7) and (8), F.S., authorize a sentencing court to place certain defendants into a post-adjudicatory treatment-based drug court program or a post-adjudicatory mental health court as a condition of probation or community control if the underlying offense is a nonviolent felony,<sup>6</sup> the defendant is amenable to treatment, and the defendant is otherwise qualified for the program. There is currently no comparable provision for entry into a post-adjudicatory veterans treatment court program.

*Effect of the Bill – Post-adjudicatory Veterans Treatment Court Programs*

The bill amends s. 948.01, F.S., to add a provision allowing the sentencing court to place certain defendants into a post-adjudicatory veterans treatment court program. The bill provides that notwithstanding s. 921.0024, F.S., and effective for offenses committed on or after July 1, 2016, the sentencing court may place a defendant in a post-adjudicatory veterans treatment court program if:

- The offense is a nonviolent felony (a third-degree felony under ch. 810, F.S. or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S.);
- The defendant is a servicemember or veteran;

---

<sup>4</sup> Section 394.47891(8), F.S.

<sup>5</sup> Section 394.47891(8)(b), F.S.

<sup>6</sup> A nonviolent felony means a third-degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S.

OFFICE OF THE STATE COURTS ADMINISTRATOR  
2026 JUDICIAL IMPACT STATEMENT

- The defendant is otherwise eligible to participate in a veterans treatment court program under s. 394.47891(8), F.S.;
- The defendant is fully advised of the purpose of the veterans treatment court program; and
- The defendant agrees to enter the program.

The bill provides that satisfactory completion of the program must be a condition of the defendant's probation or community control. The original sentencing court will thereafter relinquish jurisdiction to the post-adjudicatory veterans treatment court program until:

- The defendant is no longer active in the program;
- The case is returned to the sentencing court due to the defendant's termination from the program for failure to comply with the terms of the program; or
- The defendant's sentence is completed.

The bill provides that, while a defendant is participating in a post-adjudicatory veterans treatment court program, the judge presiding over the program will exercise jurisdiction over probation and community control violation proceedings.

III. ANTICIPATED JUDICIAL OR COURT WORKLOAD IMPACT:

Indeterminate. The difference in the number of participants that will be placed in a veterans treatment court program pursuant to the approval of the court, in consultation with the multidisciplinary team, rather than the state attorney, is unknown; however, the number of participants in veterans treatment courts may increase. The increase is unlikely to have a significant impact on judicial or court workload.

IV. IMPACT TO COURT RULES/JURY INSTRUCTIONS:

None anticipated.

V. ESTIMATED FISCAL IMPACTS ON THE JUDICIARY:

A. Revenues: None

B. Expenditures: The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from revising approval requirements for veterans treatment court admissions, as discussed in Section III, above. However, legislation that may increase participation in veterans treatment court programs could result in a fiscal impact to the trial courts' problem-solving courts special funding category.



The Florida Senate

## Committee Agenda Request

**To:** Senator Jonathan Martin, Chair  
Committee on Criminal Justice

**Subject:** Committee Agenda Request

**Date:** October 6, 2025

---

I respectfully request that **Senate Bill #50**, relating to Veterans Affairs, be placed on the:

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

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

Senator Don Gaetz  
Florida Senate, District 1

*Thanks so much!*

The Florida Senate

**APPEARANCE RECORD**

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

SB 50

Bill Number or Topic

Amendment Barcode (if applicable)

1/12/26  
Meeting Date

Criminal Justice  
Committee

Name Matt Herndon

Phone 941-204-2993

Address 113 E College Av  
Street

Email matt@teamrsa.com

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

United Way of Florida  
United Way Broward  
United Way Miami

☐ 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**

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1/12/26  
Meeting Date

SCJ  
Committee

SB 50  
Bill Number or Topic

Name Katie J. Bonnett Phone 850.339.9599  
"Bow-Net"

Address 2273 Seminole Dr Email kbonnett@stateandjust.org  
Street

Tallahassee, FL 32307  
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:

Alliance for Safety & Justice

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S-001 (08/10/2021)

January 12 2026

The Florida Senate  
**APPEARANCE RECORD**

SB50

Meeting Date

Crim Justice

Deliver both copies of this form to  
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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name SUSIE CAPLOWE *Volunteer* Phone 850 567-2448  
Address 319 E PARK *Tallahassee Veterans Legal Collaborative* Email SUSIECAPLOWE@COMCAST.NET  
*Street* *City* *State* *Zip*  
TALLAHASSEE, FL 32301

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ 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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12 Jan 2026

Meeting Date

Criminal Justice

Committee

SB50, VETERANS Affairs

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Christian Cochran

Phone

850-519-7257

Address

448 Tillis Ln

Street

Email

CCochran@RightOnCRIME.com

Cowfordville

City

FL

State

32327

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:

Texas Public Policy Foundation  
Right on CRIME

☐

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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Bill Number or Topic

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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)

1/12/26  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 50  
Bill Number or Topic

Deliver both copies of this form to  
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Committee

(Michele Combs)

Amendment Barcode (if applicable)

Name Florida Christian Coalition Phone 202-549-6257

Address 242 Madison St. Email michele@cc.org

Pensacola FL 32439  
City State Zip  
(Kreeport)

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> I am appearing without compensation or sponsorship. | <input type="checkbox"/> I am a registered lobbyist, representing: | <input type="checkbox"/> 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 \(flsenate.gov\)](#)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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1/12/26  
Meeting Date

Criminal Justice  
Committee

SB 50  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sean Golder Phone 850-210-2586

Address 251 Levy Bay Rd Email seangolder@gmail.com  
Street

PANACEA FL 32346  
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**

January 12, 2026

Meeting Date

Criminal Justice

Committee

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

50

Bill Number or Topic

Amendment Barcode (if applicable)

Name

John Penrick Lewis

Phone

619 602 9000

Address

657 Litchfield Ct.

Email

johnpenricklewis@gmail.com

Street

Tallahassee

FL.

32312

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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The Florida Senate

**APPEARANCE RECORD**

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SB 50

Bill Number or Topic

1-12-26

Meeting Date

Committee

Amendment Barcode (if applicable)

Name Frank Roycraft

Phone 850-656-6714

Address 1714 Silverwood Dr  
Street

Email Toproycraft@hotmail.com

Tallahassee FL 32301  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ 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)

01/12/2026

Meeting Date

Committee on Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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SB 50: Veterans Affairs

Bill Number or Topic

Amendment Barcode (if applicable)

Name Christina Heady Phone 813-625-6631

Address 907 Paddock Club Dr, Apt 204 Email christinakateheady@gmail.com  
Street

Brandon FL 33511  
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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1/12/26  
Meeting Date  
SCJ  
Committee

SB 50  
Bill Number or Topic

Name Pastor Jearlyn Dennie Phone 386-283-6523

Address 4600 E. Moody Blvd Bldg 7N Email pastorjearlyn@jearlyn.org  
Bunnell, FL 32110  
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:

Alliance for Safety & Justice

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

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S-001 (08/10/2021)

January 12 2026

Meeting Date

Crim Justice

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

SB50

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAN HENDRICKSON**

Phone **850 570-1967**

Address **319 E PARK**

Street

**TALLAHASSEE, FL**

City

State

**32301**

Zip

Email **DANBHENDRICKSON@COMCAST.NET**

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)



January 12 2026

Meeting Date

Crim Justice

Committee

Name **DAN HENDRICKSON**

Address **319 E PARK**

Street

**TALLAHASSEE, FL**

City

State

**32301**

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

SB50

Bill Number or Topic

533034

Amendment Barcode (if applicable)

Phone **850 570-1967**

Email **DANBHENDRICKSON@COMCAST.NET**

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 52

INTRODUCER: Criminal Justice Committee and Senator Gaetz

SUBJECT: Security Services at Places of Worship

DATE: January 13, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Fav/CS
2.			JU	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

## **I. Summary:**

CS/SB 52 amends s. 493.6102, F.S., to provide that the provisions of Ch. 493 are inapplicable to volunteers who provide armed security services on the premises of a church, mosque, synagogue, or other place of worship.

The bill takes effect on July 1, 2026.

## **II. Present Situation:**

### **Violence at Houses of Worship**

According to research spanning from 2000 to 2024, there have been nearly 380 incidents of violence at houses of worship in the U.S. resulting in approximately 490 deaths and 170 injuries.<sup>1</sup> The majority of homicides at houses of worship are not related to the religious ideology of where they occur, but the killings that *are* ideologically motivated have been among the most deadly.<sup>2</sup>

---

<sup>1</sup> The Violence Prevention Project Research Center, Hamline University, Saint Paul Minnesota, available at <https://www.theviolenceproject.org/house-of-worship-homicides/> (last viewed January 6, 2026).

<sup>2</sup> *Id.*

According to the Cybersecurity and Infrastructure Security Agency (CISA), the best way to mitigate a potential attack is to take a holistic approach to security. This requires assigning clear roles and responsibilities for making security decisions, planning, and implementing the procedures and capabilities across the organization. A robust security plan should be tailored to the specific needs and priorities of the house of worship.<sup>3</sup> The CISA suggests the following options for consideration:

- Establish a multi-layered plan for security, identifying clear roles and responsibilities for developing and implementing security measures.
- Create emergency action plans, business continuity plans, and incident response plans that are well communicated and exercised with the Safety Team for complete understanding.
- Conduct a vulnerability assessment to understand the risks to the house of worship from which you may prioritize implementing any subsequent safety measures.
- Build community readiness and resilience by establishing an organizational culture of caring where all members and visitors are properly supported, and credible threats are reported through previously identified channels.
- Apply physical security measures to monitor and protect the outer, middle, and inner perimeters, while respecting the purpose of each area of the house of worship.
- Focus on the safety of children by implementing safety measures around childcare, daycare, and schools.
- Implement cybersecurity best practices to safeguard important information and prevent a potential cyberattack.<sup>4</sup>

### **Division of Licensing**

The Division of Licensing (DOL) within the Department of Agriculture and Consumer Services (DACS) administers Florida's concealed weapon licensing program<sup>5</sup> and oversees Florida's private investigative, private security, and recovery services industries.<sup>6</sup> The DOL's regulatory oversight of those services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.

Security services provided by a security officer who, for consideration, advertises as providing or performing security services which include:

- Providing bodyguard protection;
- Guarding property;
- Transporting prisoners;
- Providing armored car services;
- Assisting in prevention of theft; and

---

<sup>3</sup> Mitigating Attacks on Houses of Worship Security Guide, Resources, Cybersecurity and Infrastructure Security Agency, available at <https://www.cisa.gov/resources-tools/resources/mitigating-attacks-houses-worship-security-guide> (last viewed January 6, 2026).

<sup>4</sup> *Id.*

<sup>5</sup> Section 790.06, F.S.

<sup>6</sup> Chapter 493, F.S.

- Assisting in prevention of the misappropriation or concealment of articles of value or assisting in the return of such articles.<sup>7</sup>

Any individual who performs the services of a security officer must have a Class “D” license.<sup>8</sup> To carry a firearm in the performance of regulated security duties, security officers and agency managers must also obtain a Class “G” Statewide Firearm License.<sup>9</sup> No employee may carry or be furnished a firearm unless it is required by her or his duties and it is carried only in connection with those duties. The firearm must be encased in full view at all times unless otherwise provided by law.<sup>10</sup>

Chapter 493, F.S., does not apply to specified persons and places including:

- Any individual who is an “officer,”<sup>11</sup> or is a law enforcement officer of the United States Government, while such local, state, or federal officer is engaged in her or his official duties or when performing off-duty security activities approved by her or his superiors;
- Any insurance investigator or adjuster licensed by a state or federal licensing authority when such person is providing services or expert advice within the scope of her or his license.
- Any attorney in the regular practice of her or his profession;
- Any bank or bank holding company, credit union, or small loan company operating pursuant to ch. 516 and 520, F.S.; any consumer credit reporting agency regulated under 15 U.S.C. ss. 1681 et seq.; or any collection agency not engaged in repossessions or to any permanent employee thereof;
- Any person who is a school crossing guard employed by a third party hired by a city or county and trained in accordance with s. 316.75, F.S.; or
- Any individual *employed as a security officer by a church* or ecclesiastical or denominational organization having an established physical place of worship in this state at which nonprofit religious services and activities are regularly conducted or by a church cemetery to provide security on the property of the organization or cemetery, *and who does not carry a firearm in the course of her or his duties.*<sup>12</sup>

### Carrying a Concealed Weapon or Firearm

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

- A concealed carry licensee;<sup>13</sup>

<sup>7</sup> The Florida Department of Agriculture and Consumer Services, Business Services, Private Security Licenses; available at [Private Security Licenses / Business Services / Home - Florida Department of Agriculture & Consumer Services](https://www.fdacs.gov/Business-Services/Private-Security-Licenses). (last viewed January 6, 2026).

<sup>8</sup> An applicant for a Class “D” Security Officer License must complete 40 hours of training at a licensed school or training facility or complete an acceptable alternative training. Consumer Services, Business Services, Private Security Licenses, available at <https://www.fdacs.gov/Business-Services/Private-Security-Licenses>. (last viewed January 6, 2026).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> “Officer” means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer. Section 943.10(14), F.S.

<sup>12</sup> Section 493.6102(1)-(15), F.S.

<sup>13</sup> Section 790.01(1)(a), F.S., if the person has met the criteria to qualify for a license under s. 790.06, (2)(a)-(f) and (i)-(n), (3), and (10), F.S., and received the license.

- Not licensed under s. 790.06, F.S. but otherwise satisfies the criteria for receiving and maintaining such a license;<sup>14</sup>

Anyone licensed or authorized to carry a concealed firearm must carry identification and display it to law enforcement when asked to do so.<sup>15</sup>

Section 790.06(12), 1.-15., F.S., lists the locations where a concealed carry license or authorization *does not permit* a person to carry a weapon, or firearm, or openly carry a handgun.<sup>16</sup> These locations are:

- Places of nuisance;<sup>17</sup>
- Police, sheriff, or highway patrol stations;
- Detention facilities, prisons, or jails;
- Courthouses;
- Courtrooms, except that nothing in this section precludes a judge from carrying a concealed weapon or concealed firearm or determining who will carry a concealed weapon or concealed firearm in his or her courtroom;
- Polling places;
- Meetings of the governing body of a county, public school district, municipality, or special district;
- Meetings of the Legislature or a committee thereof;
- Schools, colleges, or professional athletic events not related to firearms;
- Elementary or secondary school facilities or administration buildings;
- Career centers;
- Establishments licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- College or university facilities unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- Inside of a passenger terminal or sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
- Places where the carrying of firearms is prohibited by federal law.<sup>18</sup>

The Legislature has addressed the issue of concealed carry by providing that for the purposes of safety, security, personal protection, or any other lawful purpose, a person licensed under s. 790.06, F.S., may carry a concealed weapon or concealed firearm on property owned, rented, leased, borrowed, or lawfully used by a church, synagogue, or other religious institution. However, the private property rights of a church, synagogue, or other religious institution are not

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<sup>14</sup> Section 790.01(1)(b), F.S.,

<sup>15</sup> Sections 790.06(1)(c) and 790.013(1), F.S.

<sup>16</sup> Sections 790.06(12) and 790.013(2), F.S.

<sup>17</sup> Section 823.05, F.S., provides a list of public nuisances.

limited and the and the church, synagogue, or other religious institution may exercise control over such property.<sup>19</sup>

### **Level 2 Background Screening**

A Level 2 Background Screening refers to a state and national fingerprint-based check and consideration of disqualifying offenses, and applies to those employees designated by law as holding positions of responsibility or trust.<sup>20</sup>

For example, health care practitioners must comply with background screening requirements when applying for initial licensure or renewing their license. Section 435.04, F.S., mandates Level 2 security background investigations be conducted on employees, defined as individuals required by law to be fingerprinted pursuant to ch. 435, F.S.<sup>21</sup>

Security background investigations under s. 435.04, F.S., must ensure that persons:

- Have not been arrested for and are awaiting final disposition of;
- Have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; or
- Have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the provisions of state law or similar law of another jurisdiction that are disqualifying offenses.

Disqualifying offenses include in part:

- Section 825.1025, F.S., lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult;
- Section 874.05, F.S., encouraging or recruiting another to join a criminal gang; and
- Section 782.04, F.S., relating to murder.

### **III. Effect of Proposed Changes:**

The bill adds subsection (16) to s. 493.6102, F.S., making regulations<sup>22</sup> in ch. 493, F.S., inapplicable to volunteers who provide armed security services on the premises of a church, mosque, synagogue, or other place of worship.

The bill takes effect on July 1, 2026.

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<sup>19</sup> Section 790.06(13), F.S.

<sup>20</sup> Section 110.1127, F.S.

<sup>21</sup> Fingerprint retention requirements do not apply to these professions: Emergency medical technicians, paramedics, pharmacy interns, registered pharmacy technicians, and radiologic technologists are exempt unless applying through the military active-duty spouse licensure pathway.

<sup>22</sup> Chapter 493 of the Florida Statutes regulates private investigative, private security, and repossession services. Sections 493.6100 – 493.6406, 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., 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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 493.6102, 493.6201.

**IX. Additional Information:**

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

**CS by Criminal Justice on January 12, 2026:**

The Committee Substitute removed requirements placed on people who provide volunteer armed security for churches and other places of worship and made it clear that people who volunteer to provide such security are not subject to the same licensing requirements of a paid security service.

- B. **Amendments:**

None.

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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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596732

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete lines 20 - 35  
and insert:  
of a church, mosque, synagogue, or other place of worship.

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

And the title is amended as follows:

Delete line 6

and insert:



596732

11

places of worship;

By Senator Gaetz

1-00208A-26

202652\_\_

A bill to be entitled

An act relating to security services at places of worship; amending s. 493.6102, F.S.; providing an exemption from licensure requirements for certain volunteers who provide armed security services for places of worship under certain circumstances; reenacting s. 493.6201(4), F.S., relating to classes of licenses, to incorporate the amendment made to s. 493.6102, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (16) is added to section 493.6102, Florida Statutes, to read:

493.6102 Inapplicability of this chapter.—This chapter shall not apply to:

(16) Any person who, on a voluntary basis and without compensation, provides armed security services on the premises of a church, mosque, synagogue, or other place of worship, provided that all of the following conditions are met:

(a) Such services are provided subject to an armed security plan approved by the sheriff's office in that county.

(b) The volunteer passes a level 2 background screening pursuant to s. 435.04.

(c) The volunteer holds a valid Florida concealed weapon or concealed firearm license under s. 790.06.

(d) The security services are provided exclusively on the premises of the church, mosque, synagogue, or other place of

Page 1 of 2

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

1-00208A-26

202652\_\_

worship, including any property owned or leased by the religious institution for worship, education, or religious activities.

(e) The volunteer does not receive compensation for the security services. For purposes of this subsection, compensation does not include reimbursement for reasonable expenses actually incurred and related to the cost of the volunteer's training.

Section 2. For the purpose of incorporating the amendment made by this act to section 493.6102, Florida Statutes, in a reference thereto, subsection (4) of section 493.6201, Florida Statutes, is reenacted to read:

493.6201 Classes of licenses.—

(4) Class "C" or Class "CC" licensees shall own or be an employee of a Class "A" agency, a Class "A" and Class "B" agency, or a branch office. This does not include those who are exempt under s. 493.6102, but who possess a Class "C" license solely for the purpose of holding a Class "G" license.

Section 3. This act shall take effect July 1, 2026.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Jonathan Martin, Chair  
Committee on Criminal Justice

**Subject:** Committee Agenda Request

**Date:** October 6, 2025

---

I respectfully request that **Senate Bill #52**, relating to Security Services at Places of Worship, be placed on the:

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



---

Senator Don Gaetz  
Florida Senate, District 1

*Thank so much!*

The Florida Senate

# APPEARANCE RECORD

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

1-12-2026

Meeting Date

Criminal Justice

Committee

SB 52

Bill Number or Topic

596732

Amendment Barcode (if applicable)

Name

Reggie Bartkowski

Phone

850-360-4277

Address

4259 Havencrest Drive

Street

Pace

City

FL

State

32571

Zip

Email

RBARTKOWSKI@PCLL.EDU

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)

1-12-26

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB 52

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Pastor Joshua Burdick**

Phone **850-449-4699**

Address **5945 Saint Alban Road**

Email **jburdick@campuschurch.com**

Street

**Pensacola**

**FL**

**32503**

City

State

Zip

**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:

**Campus Church**

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

1/12/26

Meeting Date

Criminal Justice

Committee

SB52

Bill Number or Topic

Amendment Barcode (if applicable)

Name Trevor Huff Phone 727-729-2937

Address 4704 Red oak Dr. Email trevorhuff@icloud.com  
Street

Milton FL 32583  
City State Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

SB 52

Bill Number or Topic

Amendment Barcode (if applicable)

1/12/25

Meeting Date

Criminal Justice

Committee

Name

Aaron DiPietro

Phone

904-608-4471

Address

P.O Box 530103

Email

aaron.d@flfamily.org

Street

Orlando

City

FL

State

32853

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Family Voice

☐

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

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

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

S-001 (08/10/2021)



January 12, 2026

The Florida Senate  
**APPEARANCE RECORD**

52

DUPLICATE

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **barney@barneybishop.com**  
**btbney@Ba3355@yahoo.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 Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

**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 432

INTRODUCER: Senator Yarborough

SUBJECT: Controlled Substances

DATE: January 9, 2026

REVISED: \_\_\_\_\_

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

---

**I. Summary:**

SB 432 amends s. 893.03, F.S., to:

- Add 7- Hydroxymitragynine (“7-OH”), a form of kratom, to the list of Schedule I controlled substances.
- 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.<sup>1</sup>

The bill amends s. 893.13, F.S., to provide it is a first degree felony,<sup>2</sup> 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 be in actual or constructive possession of, 28 grams or more of xylazine or any salt thereof, or 28 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 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.*

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<sup>1</sup> 15 U.S.C. s. 278u.

<sup>2</sup> Sections 775.082, 775.083, or 775.084, F.S.

Section 1 of this bill takes effect July 1, 2026. Except as otherwise expressly provided in this act, this bill takes effect October 1, 2026.

## II. Present Situation:

### “7-OH” or 7-hydroxymitragynine (Kratom)

“7-OH” or 7-hydroxymitragynine, is a potent alkaloid that occurs naturally in trace amounts in kratom.<sup>3</sup> “7-OH” has become readily available at gas stations, vape shops and online, the chemical structure of “7-OH” is dissimilar to any currently scheduled substance in Schedule I under s. 893.03, F.S.<sup>4</sup> “7-OH” products are concentrated derivatives often falsely marketed as Kratom and their street names include 7-Hydroxy, 7-OHMG and ‘7.’<sup>5</sup>

The U.S. Poison Centers have received reports of serious health effects associated with the use of “7-OH.” From January 1-July 31, 2025 Poison Centers received 1,690 reports of exposure cases involving Kratom which passed the total from all of 2024.<sup>6</sup> 7-OH can cause overdose symptoms, like respiratory depression, which is when the effects of the opioid also suppress breathing and ppioid-overdose reversal drugs like naloxone should work if someone is in distress.<sup>7</sup>

On August 12, 2025, Florida’s Attorney General issued Emergency Rule 2ER25-1, which was later superseded because the Florida Department of Agriculture and Consumer Services will have the laboratory capabilities to test 7-OH at a level above four hundred parts per million on a dry weight basis, which represent an amount of the 7-OH found in botanical kratom.<sup>8</sup>

On August 19, 2025, Florida’s Attorney General issued Emergency Rule 2ER25-2 superseding Emergency Rule 2ER25-1. Immediately placing 7-Hydroxymitragynine as a Schedule I substance to curtail its abuse by minors and adults.

Emergency Rule 2ER25-2 states:

Addition of 7-Hydroxymitragynine (methyl (E)-2[(2S,3S,7aS,12bS)-3-ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-hexahydro-1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate) concentrated at a level above four hundred parts per million on a dry-weight basis to Schedule I, s. 893.03(1)(a), F.S.

<sup>3</sup> U.S. Food and Drug Administration, *Products Containing 7-OH Can Cause Serious Harm*, available at, <https://www.fda.gov/consumers/consumer-updates/products-containing-7-oh-can-cause-serious-harm> (Last visited January 5, 2026).

<sup>4</sup> Department of Legal Affairs 2ER25-2, Addition of 7-Hydroxymitragynine to Schedule I, available at <https://flrules.org/gateway/ChapterHome.asp?Chapter=2er25-2> (Last visited January 5, 2026).

<sup>5</sup> U.S. Food and Drug Administration, *Preventing The Next Wave of the Opioid Epidemic: What You Need to Know About 7-OH*, available at, <https://www.fda.gov/media/187900/download> (Last visited January 5, 2026).

<sup>6</sup> America’s Poison Centers, *Health Advisory: Serious Illnesses Associated with 7-OH Use*, available at, <https://poisoncenters.org/news-alerts/13531044> (Last visited January 5, 2026).

<sup>7</sup> USA Today Network-Florida, *13 times stronger than morphine: What is 7-OH, and why did Florida ban it?*, available at, <https://www.tallahassee.com/story/news/local/state/2025/08/21/its-13-times-stronger-than-morphine-why-florida-banned-7-oh/85678095007/> (Last visited January 5, 2026).

<sup>8</sup> Department of Legal Affairs 2ER25-1, Addition of 7-Hydroxymitragynine to Schedule I, available at <https://flrules.org/gateway/RuleNo.asp?title=Emergency%20Rule%20for%20Year%202025&ID=2ER25-1> (Last visited January 5, 2026).

These circumstances presented an immediate and imminent hazard to public health, safety, and welfare which requires emergency action. In addition, the Attorney General has found that the above-mentioned compound meets the statutory criteria for placement as a controlled substance in Schedule I, s. 893.03(1)(a), F.S. The emergency rule ordered the temporary scheduling of 7-hydroxymitragynine until the completion of the 2026 legislative session.<sup>9</sup>

On December 10, 2025, Florida's Attorney General issued Emergency Rule 2ER25-3. Emergency Rule 2ER25-3 superseded Emergency Rule 2ER25-2 to update the findings of an imminent hazard to the public safety with respect to 7-OH.<sup>10</sup> Emergency Rule 2ER25-3 does not change the compound or Scheduling that was issued in Emergency Rule 2ER25-2.

Emergency Rule 2ER25-3 expanded the findings to include the need “to curtail [7-OH] abuse by Florida’s children, young adults, and others.”<sup>11</sup>

Under s. 893.035(7)(a), F.S., the Attorney General is granted statutory authority to issue emergency rules to temporarily classify new substances that pose a potential threat due to abuse. This delegation allows for swift administrative action to control emerging designer drugs before legislative review. However, as outlined in s. 893.035(9), F.S., any emergency rule adopted under this authority automatically expires on the following June 30 unless the Legislature enacts the rule’s provisions as a formal amendment to ch. 893, F.S. This ensures that emergency scheduling remains a temporary measure unless ratified through legislative process.

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,<sup>12</sup> which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. The Florida Department of Agriculture and Consumer Services (FDACS) adopted rules to implement the act.<sup>13</sup>

## **Xylazine**

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.<sup>14</sup> Xylazine is also known as “tranq”<sup>15</sup> and is a central nervous system depressant that can cause drowsiness, amnesia, slow breathing, low heart rate and blood pressure.

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<sup>9</sup> Department of Legal Affairs 2ER25-2, Addition of 7-Hydroxymitragynine to Schedule I, available at <https://flrules.org/gateway/ChapterHome.asp?Chapter=2er25-2> (Last visited January 5, 2026).

<sup>10</sup> Department of Legal Affairs 2ER25-3, Addition of 7-Hydroxymitragynine to Schedule I, available at <https://flrules.org/gateway/ruleNo.asp?id=2ER25-3> (Last visited January 5, 2026).

<sup>11</sup> Department of Legal Affairs 2ER25-3, Addition of 7-Hydroxymitragynine to Schedule I, available at <https://flrules.org/gateway/ruleNo.asp?id=2ER25-3> (Last visited January 5, 2026).

<sup>12</sup> Section 500.92, F.S.

<sup>13</sup> Florida Administrative Code R. 5K-4.030.

<sup>14</sup> Section 893.03(1), F.S.

<sup>15</sup> 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 January 5, 2026).

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.<sup>16</sup> Naloxene is an FDA approved medicine used to quickly reverse an opioid overdose.<sup>17</sup> Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.<sup>18</sup>

### 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”<sup>19</sup> 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.

### 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

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<sup>16</sup> 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 January 5, 2026).

<sup>17</sup> Drugs.com, *Naloxene*, <https://www.drugs.com/naloxone.html> (last visited January 5, 2026)

<sup>18</sup> National Institute on Drug Abuse, *Xylazine Research Topics*, available at <https://nida.nih.gov/research-topics/xylazine> (last visited on December 11, 2025).

<sup>19</sup> 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 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.

### **Controlled Substance Offenses Under ss. 893.13 and 893.135, F.S.**

Section 893.13, F.S., in part, punishes unlawful possession, sale, purchase, manufacture, and delivery of a controlled substance.<sup>20</sup> The penalty for violating s. 893.13, F.S., generally depends on the act committed, the substance and quantity of the substance involved, and the location in which the violation occurred.

Section 893.13(1), F.S., prohibits a person from selling, manufacturing,<sup>21</sup> or delivering,<sup>22</sup> or possessing with the intent to sell, manufacture, or deliver a controlled substance. The penalty for selling a controlled substance varies depending on several factors, including the type and amount of the substance sold, and the location where the sale takes place. Generally, sale of a controlled substance is punishable as either a second degree felony<sup>23</sup> or third degree felony.<sup>24</sup>

Drug trafficking, which is punished in s. 893.135, F.S., consists of knowingly selling, purchasing, manufacturing, delivering, or bringing into this state (importation), 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, and the controlled substances involved in the trafficking must meet a specified weight or quantity threshold.

Generally, a drug trafficking offense is punishable as a first degree felony.<sup>25,26</sup> Section 893.135, F.S., outlines threshold amounts of the applicable controlled substance for each trafficking

<sup>20</sup> See e.g., s. 893.13(1)(a) and (b) and (6), F.S.

<sup>21</sup> “Manufacture” means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

- A practitioner or pharmacist as an incident to his or her administering or delivering of a controlled substance in the course of his or her professional practice.
- A practitioner, or his or her authorized agent under the practitioner’s supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale. Section 893.02(15)(a), F.S.

<sup>22</sup> “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship. Section 893.02(6), F.S.

<sup>23</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>24</sup> Section 893.13(1), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>25</sup> A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>26</sup> Trafficking in certain controlled substances can be a capital offense under specified circumstances. See, e.g., s. 893.135(1)(h)2., F.S. (Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine . . . who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a capital felony).

offense. All drug trafficking offenses are subject to mandatory minimum sentences and heightened fines, which are determined by the threshold amounts.

### **III. Effect of Proposed Changes:**

The bill amends s. 893.03, F.S., to add 7- Hydroxymitragynine (“7-OH”) concentrated at a level above 400 parts per million on a dry weight basis to the list of Schedule I controlled substances.

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,<sup>27</sup> with a mandatory minimum prison term of 3 years for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver xylazine products that resemble candy or other food products or contains cartoon character imprints or trade or logos.

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 be in actual or constructive possession of, 28 grams or more of xylazine or any salt thereof, or 28 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 and fine, the length and amount of which varies depending upon the amount of xylazine involved in the offense. If the quantity involved is:

- Twenty-eight grams or more, but less than 100 grams, such person must be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$100,000.
- One-hundred grams or more, but less than 200 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 \$100,000.
- Two-hundred 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.

### **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.

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<sup>27</sup> Sections 775.082, 775.083, or 775.084, F.S.

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 DOC, in FY 24-25, there were 1,159 new commitments to prison for the possession, sale, manufacture, or delivery, or trafficking of various drugs. It is not known how many additional offenders would be incarcerated with the addition of 7-Hydroxymitragynine.
- Xylazine is currently included with various other drugs under the sale, manufacturing, delivery, and trafficking statutes. The new language for Xylazine presents language that could both increase the prison population, by adding it to the Level 7, 1st degree 3 year mandatory felony with fentanyl and its derivatives, but also reduce it by not applying a mandatory minimum sentence for trafficking until it reaches 28 grams. Even though it is not known how many new commitments Xylazine represents, there were 70 new commitments for trafficking below the new threshold, and 362 new commitments for sale, manufacture, and delivery. The higher number of new commitments make it likely that more offenders involved with Xylazine will be incarcerated, and with the addition of 7-Hydroxymitragynine, the prison population is expected to be pushed in a positive direction, though the number of new inmates cannot be quantified.<sup>28</sup>

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<sup>28</sup> Office of Economic and Demographic Research, *SB 432- Controlled Substances*, (on file with the Senate Committee on Criminal Justice).



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In their agency bill analysis, the FDLE noted that:

- FDLE is capable of identifying 7-hydroxymitragynine (7-OH) but is unable to specify between three possible isomers due to equipment limitations.
- The Department of Agriculture and Consumer Services (FDACS) developed a targeted, quantitative screen for 7-hydroxymitragynine.
- When the 7-OH group is identified at a FDLE forensic laboratory, the report will recommend that the substance is sent to the FDACS for quantitative analysis.<sup>29</sup>

**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 Changes:**

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

None.

**B. Amendments:**

None.

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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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<sup>29</sup> Florida Department of Law Enforcement, *2026 Agency Analysis SB 432-Controlled Substances*, (on file with the Senate Committee on Criminal Justice).

By Senator Yarborough

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A bill to be entitled

An act relating to controlled substances; amending s. 893.03, F.S.; adding 7-Hydroxymitragynine as a Schedule I controlled substance; excepting from the list of Schedule I controlled substances certain xylazine animal drug products approved by the United States Food and Drug Administration and used for certain purposes; 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 effective dates.

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

Section 1. Effective July 1, 2026, paragraphs (a) and (c) of subsection (1) 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, 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

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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:

- (a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
1. Acetyl-alpha-methylfentanyl.
  2. Acetylmethadol.
  3. Allylprodine.
  4. Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
  5. Alphamethadol.
  6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).
  7. Alpha-methylthiofentanyl.
  8. Alphameprodine.

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59 9. Benzethidine.  
 60 10. Benzylfentanyl.  
 61 11. Betacetylmethadol.  
 62 12. Beta-hydroxyfentanyl.  
 63 13. Beta-hydroxy-3-methylfentanyl.  
 64 14. Betameprodine.  
 65 15. Betamethadol.  
 66 16. Betaprodine.  
 67 17. Clonitazene.  
 68 18. Dextromoramide.  
 69 19. Diampromide.  
 70 20. Diethylthiambutene.  
 71 21. Difenoxin.  
 72 22. Dimenoxadol.  
 73 23. Dimepheptanol.  
 74 24. Dimethylthiambutene.  
 75 25. Dioxaphetyl butyrate.  
 76 26. Dipipanone.  
 77 27. Ethylmethylthiambutene.  
 78 28. Etonitazene.  
 79 29. Etoxidine.  
 80 30. Flunitrazepam.  
 81 31. Furethidine.  
 82 32. Hydroxypethidine.  
 83 33. Ketobemidone.  
 84 34. Levomoramide.  
 85 35. Levophenacymorphan.  
 86 36. Desmethylprodine (1-Methyl-4-Phenyl-4-  
 87 Propionoxypiperidine).

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88 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-  
 89 piperidyl]-N-phenylpropanamide).  
 90 38. 3-Methylthiofentanyl.  
 91 39. Morpheridine.  
 92 40. Noracymethadol.  
 93 41. Norlevorphanol.  
 94 42. Normethadone.  
 95 43. Norpipanone.  
 96 44. Para-Fluorofentanyl.  
 97 45. Phenadoxone.  
 98 46. Phenampromide.  
 99 47. Phenomorphan.  
 100 48. Phenoperidine.  
 101 49. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-  
 102 Acetyloxypiperidine).  
 103 50. Piritramide.  
 104 51. Proheptazine.  
 105 52. Properidine.  
 106 53. Propiram.  
 107 54. Racemoramide.  
 108 55. Thenylfentanyl.  
 109 56. Thiofentanyl.  
 110 57. Tianeptide.  
 111 58. Tilidine.  
 112 59. Trimeperidine.  
 113 60. Acetylfentanyl.  
 114 61. Butyrylfentanyl.  
 115 62. Beta-Hydroxythiofentanyl.  
 116 63. Fentanyl derivatives. Unless specifically excepted,

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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 containing a 4-anilidopiperidine structure:

a. With or without substitution at the carbonyl of the aniline moiety with alkyl, alkenyl, carboalkoxy, cycloalkyl, methoxyalkyl, cyanoalkyl, or aryl groups, or furanyl, dihydrofuranyl, benzyl moiety, or rings containing heteroatoms sulfur, oxygen, or nitrogen;

b. With or without substitution at the piperidine amino moiety with a phenethyl, benzyl, alkylaryl (including heteroaromatics), alkyltetrazolyl ring, or an alkyl or carbomethoxy group, whether or not further substituted in the ring or group;

c. With or without substitution or addition to the piperidine ring to any extent with one or more methyl, carbomethoxy, methoxy, methoxymethyl, aryl, allyl, or ester groups;

d. With or without substitution of one or more hydrogen atoms for halogens, or methyl, alkyl, or methoxy groups, in the aromatic ring of the anilide moiety;

e. With or without substitution at the alpha or beta position of the piperidine ring with alkyl, hydroxyl, or methoxy groups;

f. With or without substitution of the benzene ring of the anilide moiety for an aromatic heterocycle; and

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g. With or without substitution of the piperidine ring for a pyrrolidine ring, perhydroazepine ring, or azepine ring;

excluding, Alfentanil, Carfentanil, Fentanyl, and Sufentanil; including, but not limited to:

(I) Acetyl-alpha-methylfentanyl.

(II) Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).

(III) Alpha-methylthiofentanyl.

(IV) Benzylfentanyl.

(V) Beta-hydroxyfentanyl.

(VI) Beta-hydroxy-3-methylfentanyl.

(VII) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).

(VIII) 3-Methylthiofentanyl.

(IX) Para-Fluorofentanyl.

(X) Thenylfentanyl or Thienyl fentanyl.

(XI) Thiofentanyl.

(XII) Acetylfentanyl.

(XIII) Butyrylfentanyl.

(XIV) Beta-Hydroxythiofentanyl.

(XV) Lofentanil.

(XVI) Ocfentanil.

(XVII) Ohmfentanyl.

(XVIII) Benzodioxolefentanyl.

(XIX) Furanyl fentanyl.

(XX) Pentanoyl fentanyl.

(XXI) Cyclopentyl fentanyl.

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175 (XXII) Isobutyryl fentanyl.  
 176 (XXIII) Remifentanyl.  
 177 64. Nitazene derivatives. Unless specifically excepted,  
 178 listed in another schedule, or contained within a pharmaceutical  
 179 product approved by the United States Food and Drug  
 180 Administration, any material, compound, mixture, or preparation,  
 181 including its salts, isomers, esters, or ethers, and salts of  
 182 isomers, esters, or ethers, whenever the existence of such salts  
 183 is possible within any of the following specific chemical  
 184 designations containing a benzimidazole ring with an ethylamine  
 185 substitution at the 1-position and a benzyl ring substitution at  
 186 the 2-position structure:  
 187 a. With or without substitution on the benzimidazole ring  
 188 with alkyl, alkoxy, carboalkoxy, amino, nitro, or aryl groups,  
 189 or halogens;  
 190 b. With or without substitution at the ethylamine amino  
 191 moiety with alkyl, dialkyl, acetyl, or benzyl groups, whether or  
 192 not further substituted in the ring system;  
 193 c. With or without inclusion of the ethylamine amino moiety  
 194 in a cyclic structure;  
 195 d. With or without substitution of the benzyl ring; or  
 196 e. With or without replacement of the benzyl ring with an  
 197 aromatic ring, including, but not limited to:  
 198 (I) Butonitazene.  
 199 (II) Clonitazene.  
 200 (III) Etodesnitazene.  
 201 (IV) Etonitazene.  
 202 (V) Flunitazene.  
 203 (VI) Isotodesnitazene.

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204 (VII) Isotonitazene.  
 205 (VIII) Metodesnitazene.  
 206 (IX) Metonitazene.  
 207 (X) Nitazene.  
 208 (XI) N-Desethyl Etonitazene.  
 209 (XII) N-Desethyl Isotonitazene.  
 210 (XIII) N-Piperidino Etonitazene.  
 211 (XIV) N-Pyrrolidino Etonitazene.  
 212 (XV) Protonitazene.  
 213 65. 7-Hydroxymitragynine (methyl (E)-2-[(2S,3S,7aS,12bS)-3-  
 214 ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-hexahydro-1H-  
 215 indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate)  
 216 concentrated at a level above 400 parts per million on a dry-  
 217 weight basis.  
 218 (c) Unless specifically excepted or unless listed in  
 219 another schedule, any material, compound, mixture, or  
 220 preparation that contains any quantity of the following  
 221 hallucinogenic substances or that contains any of their salts,  
 222 isomers, including optical, positional, or geometric isomers,  
 223 homologues, nitrogen-heterocyclic analogs, esters, ethers, and  
 224 salts of isomers, homologues, nitrogen-heterocyclic analogs,  
 225 esters, or ethers, if the existence of such salts, isomers, and  
 226 salts of isomers is possible within the specific chemical  
 227 designation or class description:  
 228 1. Alpha-Ethyltryptamine.  
 229 2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-  
 230 oxazoline).  
 231 3. Aminorex (2-Amino-5-phenyl-2-oxazoline).  
 232 4. DOB (4-Bromo-2,5-dimethoxyamphetamine).

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- 233 5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).  
 234 6. Bufotenine.  
 235 7. Cannabis.  
 236 8. Cathinone.  
 237 9. DET (Diethyltryptamine).  
 238 10. 2,5-Dimethoxyamphetamine.  
 239 11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine).  
 240 12. DMT (Dimethyltryptamine).  
 241 13. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine  
 242 analog of phencyclidine).  
 243 14. JB-318 (N-Ethyl-3-piperidyl benzilate).  
 244 15. N-Ethylamphetamine.  
 245 16. Fenethylamine.  
 246 17. 3,4-Methylenedioxy-N-hydroxyamphetamine.  
 247 18. Ibogaine.  
 248 19. LSD (Lysergic acid diethylamide).  
 249 20. Mescaline.  
 250 21. Methcathinone.  
 251 22. 5-Methoxy-3,4-methylenedioxyamphetamine.  
 252 23. PMA (4-Methoxyamphetamine).  
 253 24. PMMA (4-Methoxymethamphetamine).  
 254 25. DOM (4-Methyl-2,5-dimethoxyamphetamine).  
 255 26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).  
 256 27. MDA (3,4-Methylenedioxyamphetamine).  
 257 28. JB-336 (N-Methyl-3-piperidyl benzilate).  
 258 29. N,N-Dimethylamphetamine.  
 259 30. Parahexyl.  
 260 31. Peyote.  
 261 32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine

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- 262 analog of phencyclidine).  
 263 33. Psilocybin.  
 264 34. Psilocyn.  
 265 35. *Salvia divinorum*, except for any drug product approved  
 266 by the United States Food and Drug Administration which contains  
 267 *Salvia divinorum* or its isomers, esters, ethers, salts, and  
 268 salts of isomers, esters, and ethers, if the existence of such  
 269 isomers, esters, ethers, and salts is possible within the  
 270 specific chemical designation.  
 271 36. Salvinorin A, except for any drug product approved by  
 272 the United States Food and Drug Administration which contains  
 273 Salvinorin A or its isomers, esters, ethers, salts, and salts of  
 274 isomers, esters, and ethers, if the existence of such isomers,  
 275 esters, ethers, and salts is possible within the specific  
 276 chemical designation.  
 277 37. Xylazine, except for a xylazine animal drug product  
 278 approved by the United States Food and Drug Administration and  
 279 the use of which conforms to the approved application or is  
 280 authorized under 21 U.S.C. s. 360b(a)(4). The manufacture,  
 281 importation, distribution, prescribing, or sale of xylazine for  
 282 human use is not subject to this exception.  
 283 38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)  
 284 (Thiophene analog of phencyclidine).  
 285 39. 3,4,5-Trimethoxyamphetamine.  
 286 40. Methylone (3,4-Methylenedioxymethcathinone).  
 287 41. MDPV (3,4-Methylenedioxypyrovalerone).  
 288 42. Methylmethcathinone.  
 289 43. Methoxymethcathinone.  
 290 44. Fluoromethcathinone.

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- 291 45. Methylethcathinone.
- 292 46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-
- 293 yl)phenol) and its dimethyloctyl (C8) homologue.
- 294 47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
- 295 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
- 296 48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
- 297 49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- 298 50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-
- 299 naphthoyl)indole).
- 300 51. BZP (Benzylpiperazine).
- 301 52. Fluorophenylpiperazine.
- 302 53. Methylphenylpiperazine.
- 303 54. Chlorophenylpiperazine.
- 304 55. Methoxyphenylpiperazine.
- 305 56. DBZP (1,4-Dibenzylpiperazine).
- 306 57. TFMPP (Trifluoromethylphenylpiperazine).
- 307 58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-
- 308 Methylenedioxy-N-methylbutanamine).
- 309 59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- 310 60. 5-Hydroxy-N-methyltryptamine.
- 311 61. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- 312 62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- 313 63. Methyltryptamine.
- 314 64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- 315 65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- 316 66. Tyramine (4-Hydroxyphenethylamine).
- 317 67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- 318 68. DiPT (N,N-Diisopropyltryptamine).
- 319 69. DPT (N,N-Dipropyltryptamine).

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- 320 70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- 321 71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- 322 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 323 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 324 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 325 75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- 326 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 327 77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- 328 78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- 329 79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- 330 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 331 81. Butylone (3,4-Methylenedioxy-alpha-
- 332 methylaminobutyrophenone).
- 333 82. Ethcathinone.
- 334 83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- 335 84. Naphyrone (Naphthylpyrovalerone).
- 336 85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
- 337 86. 3,4-Methylenedioxy-N,N-diethylcathinone.
- 338 87. 3,4-Methylenedioxy-propiofenone.
- 339 88. 3,4-Methylenedioxy-alpha-bromopropiofenone.
- 340 89. 3,4-Methylenedioxy-propiofenone-2-oxime.
- 341 90. 3,4-Methylenedioxy-N-acetylcathinone.
- 342 91. 3,4-Methylenedioxy-N-acetylmethcathinone.
- 343 92. 3,4-Methylenedioxy-N-acetylcathinone.
- 344 93. Bromomethcathinone.
- 345 94. Buphedrone (alpha-Methylamino-butyrophenone).
- 346 95. Eutylone (3,4-Methylenedioxy-alpha-
- 347 ethylaminobutyrophenone).
- 348 96. Dimethylcathinone.

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- 349 97. Dimethylmethcathinone.  
 350 98. Pentylone (3,4-Methylenedioxy-alpha-  
 351 methylaminovalerophenone).  
 352 99. MDPPP (3,4-Methylenedioxy-alpha-  
 353 pyrrolidinopropiophenone).  
 354 100. MDPBP (3,4-Methylenedioxy-alpha-  
 355 pyrrolidinobutyrophenone).  
 356 101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).  
 357 102. MPHP (Methyl-alpha-pyrrolidinohexanophenone).  
 358 103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP  
 359 (Benocyclidine).  
 360 104. F-MABP (Fluoromethylaminobutyrophenone).  
 361 105. MeO-PBP (Methoxypyrrolidinobutyrophenone).  
 362 106. Et-PBP (Ethylpyrrolidinobutyrophenone).  
 363 107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).  
 364 108. Me-EABP (Methylethylaminobutyrophenone).  
 365 109. Etizolam.  
 366 110. PPP (Pyrrolidinopropiophenone).  
 367 111. PBP (Pyrrolidinobutyrophenone).  
 368 112. PVP (Pyrrolidinovalerophenone) or  
 369 (Pyrrolidinopentiophenone).  
 370 113. MPPP (Methyl-alpha-pyrrolidinopropiophenone).  
 371 114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).  
 372 115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).  
 373 116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).  
 374 117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).  
 375 118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole).  
 376 119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).  
 377 120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

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- 378 121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-  
 379 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).  
 380 122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).  
 381 123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).  
 382 124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).  
 383 125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).  
 384 126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).  
 385 127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).  
 386 128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).  
 387 129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).  
 388 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 389 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
 390 ol).  
 391 131. HU-308 ([ (1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-methyloctan-  
 392 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]  
 393 methanol).  
 394 132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-  
 395 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-  
 396 1,4-dione).  
 397 133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).  
 398 134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-  
 399 undecanamide).  
 400 135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-  
 401 undecanamide).  
 402 136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-  
 403 methyloctan-2-yl)phenol).  
 404 137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).  
 405 138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).  
 406 139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

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407 140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-  
 408 methoxyphenylacetyl)indole).  
 409 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-  
 410 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
 411 naphthalenylmethanone).  
 412 142. WIN55,212-3 ([ (3S)-2,3-Dihydro-5-methyl-3-(4-  
 413 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
 414 naphthalenylmethanone).  
 415 143. Pentedrone (alpha-Methylaminovalerophenone).  
 416 144. Fluoroamphetamine.  
 417 145. Fluoromethamphetamine.  
 418 146. Methoxetamine.  
 419 147. Methiopropamine.  
 420 148. Methylbuphedrone (Methyl-alpha-  
 421 methylaminobutyrophenone).  
 422 149. APB ((2-Aminopropyl)benzofuran).  
 423 150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).  
 424 151. UR-144 (1-Pentyl-3-(2,2,3,3-  
 425 tetramethylcyclopropanoyl)indole).  
 426 152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-  
 427 tetramethylcyclopropanoyl)indole).  
 428 153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-  
 429 tetramethylcyclopropanoyl)indole).  
 430 154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).  
 431 155. AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-  
 432 iodobenzoyl)indole).  
 433 156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-  
 434 carboxamide).  
 435 157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-

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436 cyclohexylcarbamate).  
 437 158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid,  
 438 cyclohexyl ester).  
 439 159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-  
 440 benzoxazin-4-one).  
 441 160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).  
 442 161. 2C-H (2,5-Dimethoxyphenethylamine).  
 443 162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).  
 444 163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).  
 445 164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-  
 446 methoxybenzyl)]phenethylamine).  
 447 165. MDMA (3,4-Methylenedioxymethamphetamine).  
 448 166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).  
 449 167. Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-  
 450 carboxylate).  
 451 168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-  
 452 carboxylate).  
 453 169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-  
 454 3-carboxamide).  
 455 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 456 pentylindazole-3-carboxamide).  
 457 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 458 (4-fluorobenzyl)indazole-3-carboxamide).  
 459 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-  
 460 1-pentylindazole-3-carboxamide).  
 461 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-  
 462 yl)-1-(fluoropentyl)indole-3-carboxamide).  
 463 174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-  
 464 methoxybenzyl)]phenethylamine).

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465 175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-  
 466 methoxybenzyl)]phenethylamine).  
 467 176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 468 (cyclohexylmethyl)indazole-3-carboxamide).  
 469 177. FUB-PB-22 (8-Quinoliny1 1-(4-fluorobenzyl)indole-3-  
 470 carboxylate).  
 471 178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-  
 472 3-carboxamide).  
 473 179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-  
 474 (fluoropentyl)indazole-3-carboxamide).  
 475 180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).  
 476 181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-  
 477 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).  
 478 182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-  
 479 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-  
 480 hexahydrobenzo[c]chromen-1-ol).  
 481 183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-  
 482 (hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-  
 483 hexahydrobenzo[c]chromen-1-ol).  
 484 184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-  
 485 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9  
 486 diol).  
 487 185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-  
 488 dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-  
 489 tetrahydro-6aH-benzo[c]chromen-1-ol).  
 490 186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-  
 491 6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).  
 492 187. MAPB ((2-Methylaminopropyl)benzofuran).  
 493 188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).

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494 189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).  
 495 190. Synthetic Cannabinoids.—Unless specifically excepted  
 496 or unless listed in another schedule or contained within a  
 497 pharmaceutical product approved by the United States Food and  
 498 Drug Administration, any material, compound, mixture, or  
 499 preparation that contains any quantity of a synthetic  
 500 cannabinoid found to be in any of the following chemical class  
 501 descriptions, or homologues, nitrogen-heterocyclic analogs,  
 502 isomers (including optical, positional, or geometric), esters,  
 503 ethers, salts, and salts of homologues, nitrogen-heterocyclic  
 504 analogs, isomers, esters, or ethers, whenever the existence of  
 505 such homologues, nitrogen-heterocyclic analogs, isomers, esters,  
 506 ethers, salts, and salts of isomers, esters, or ethers is  
 507 possible within the specific chemical class or designation.  
 508 Since nomenclature of these synthetically produced cannabinoids  
 509 is not internationally standardized and may continually evolve,  
 510 these structures or the compounds of these structures shall be  
 511 included under this subparagraph, regardless of their specific  
 512 numerical designation of atomic positions covered, if it can be  
 513 determined through a recognized method of scientific testing or  
 514 analysis that the substance contains properties that fit within  
 515 one or more of the following categories:  
 516 a. Tetrahydrocannabinols.—Any tetrahydrocannabinols  
 517 naturally contained in a plant of the genus *Cannabis*, the  
 518 synthetic equivalents of the substances contained in the plant  
 519 or in the resinous extracts of the genus *Cannabis*, or synthetic  
 520 substances, derivatives, and their isomers with similar chemical  
 521 structure and pharmacological activity, including, but not  
 522 limited to, Delta 9 tetrahydrocannabinols and their optical

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523 isomers, Delta 8 tetrahydrocannabinols and their optical  
 524 isomers, Delta 6a,10a tetrahydrocannabinols and their optical  
 525 isomers, or any compound containing a tetrahydrobenzo[c]chromene  
 526 structure with substitution at either or both the 3-position or  
 527 9-position, with or without substitution at the 1-position with  
 528 hydroxyl or alkoxy groups, including, but not limited to:

529 (I) Tetrahydrocannabinol.

530 (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 531 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
 532 ol).

533 (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 534 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
 535 ol).

536 (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 537 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

538 (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-  
 539 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

540 (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-  
 541 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).

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

544 (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-  
 545 6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

546 (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-  
 547 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

548 (X) Parahexyl.

549 b. Naphthoylindoles, Naphthoylindazoles,  
 550 Naphthoylcarbazoles, Naphthylmethylindoles,  
 551 Naphthylmethylindazoles, and Naphthylmethylcarbazoles.-Any

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552 compound containing a naphthoylindole, naphthoylindazole,  
 553 naphthoylcarbazole, naphthylmethylindole,  
 554 naphthylmethylindazole, or naphthylmethylcarbazole structure,  
 555 with or without substitution on the indole, indazole, or  
 556 carbazole ring to any extent, whether or not substituted on the  
 557 naphthyl ring to any extent, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

576 (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-  
 577 naphthoyl)indole).

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

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

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

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581 (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).  
 582 (XXII) JWH-184 (1-Pentyl-3-[(4-methyl)-1-  
 583 naphthylmethyl]indole).  
 584 (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-  
 585 naphthoyl)indole).  
 586 (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-  
 587 naphthoyl)indole).  
 588 (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-  
 589 naphthoyl)indole).  
 590 (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).  
 591 (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).  
 592 (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).  
 593 (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).  
 594 (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).  
 595 (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-  
 596 naphthoyl)indole).  
 597 (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-  
 598 naphthoyl)indole).  
 599 (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-  
 600 naphthoyl)indole).  
 601 (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-  
 602 naphthoyl)indole).  
 603 (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-  
 604 naphthoyl)indole).  
 605 (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).  
 606 (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-  
 607 naphthoyl)indazole).  
 608 (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-  
 609 naphthoyl)indole).

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610 (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-  
 611 naphthoyl)indole).  
 612 (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).  
 613 (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-  
 614 naphthoyl)carbazole).  
 615 c. Naphthoylpyrroles.—Any compound containing a  
 616 naphthoylpyrrole structure, with or without substitution on the  
 617 pyrrole ring to any extent, whether or not substituted on the  
 618 naphthyl ring to any extent, including, but not limited to:  
 619 (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).  
 620 (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).  
 621 (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).  
 622 (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).  
 623 (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).  
 624 (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-  
 625 naphthoyl)pyrrole).  
 626 (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-  
 627 naphthoyl)pyrrole).  
 628 (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-  
 629 naphthoyl)pyrrole).  
 630 (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-  
 631 naphthoyl)pyrrole).  
 632 (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-  
 633 naphthoyl)pyrrole).  
 634 d. Naphthylmethylenindenes.—Any compound containing a  
 635 naphthylmethylenindene structure, with or without substitution  
 636 at the 3-position of the indene ring to any extent, whether or  
 637 not substituted on the naphthyl ring to any extent, including,  
 638 but not limited to, JWH-176 (3-Pentyl-1-

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639 (naphthylmethylene)indene).

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

645 (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).  
646 (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).  
647 (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).  
648 (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).  
649 (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).  
650 (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).  
651 (VII) Cannabipiperidiethanone.  
652 (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-  
653 methoxyphenylacetyl)indole).

654 f. Cyclohexylphenols.—Any compound containing a  
655 cyclohexylphenol structure, with or without substitution at the  
656 5-position of the phenolic ring to any extent, whether or not  
657 substituted on the cyclohexyl ring to any extent, including, but  
658 not limited to:

659 (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-  
660 yl)phenol).  
661 (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8)  
662 homologue).  
663 (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-  
664 methyloctan-2-yl)phenol).

665 g. Benzoylindoles and Benzoylindazoles.—Any compound  
666 containing a benzoylindole or benzoylindazole structure, with or  
667 without substitution on the indole or indazole ring to any

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668 extent, whether or not substituted on the phenyl ring to any  
669 extent, including, but not limited to:

670 (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).  
671 (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).  
672 (III) AM-1241 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-  
673 iodo-5-nitrobenzoyl)indole).  
674 (IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-  
675 methoxybenzoyl)indole).  
676 (V) AM-2233 (1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-  
677 iodobenzoyl)indole).  
678 (VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).  
679 (VII) RCS-4 C4 homologue (1-Butyl-3-(4-  
680 methoxybenzoyl)indole).  
681 (VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-  
682 3-(4-methoxybenzoyl)indole).

683 h. Tetramethylcyclopropanoylindoles and  
684 Tetramethylcyclopropanoylindazoles.—Any compound containing a  
685 tetramethylcyclopropanoylindole or  
686 tetramethylcyclopropanoylindazole structure, with or without  
687 substitution on the indole or indazole ring to any extent,  
688 whether or not substituted on the tetramethylcyclopropyl group  
689 to any extent, including, but not limited to:

690 (I) UR-144 (1-Pentyl-3-(2,2,3,3-  
691 tetramethylcyclopropanoyl)indole).  
692 (II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-  
693 tetramethylcyclopropanoyl)indole).  
694 (III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-  
695 tetramethylcyclopropanoyl)indole).  
696 (IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-

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697 tetramethylcyclopropanoyl)indole).

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

699 tetramethylcyclopropanoyl)indole).

700 (VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-

701 tetramethylcyclopropanoyl)indole).

702 (VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-

703 tetramethylcyclopropanoyl)indole).

704 (VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-

705 tetramethylcyclopropanoyl)indazole).

706 (IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-

707 tetramethylcyclopropanoyl)indole).

708 (X) AB-005 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(2,2,3,3-

709 tetramethylcyclopropanoyl)indole).

710 i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole

711 carboxamides, and Adamantylindazole carboxamides.—Any compound

712 containing an adamantoyl indole, adamantoyl indazole, adamantyl

713 indole carboxamide, or adamantyl indazole carboxamide structure,

714 with or without substitution on the indole or indazole ring to

715 any extent, whether or not substituted on the adamantyl ring to

716 any extent, including, but not limited to:

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

718 (II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-

719 3-carboxamide).

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

721 carboxamide).

722 (IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-

723 adamantoyl)indole).

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

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

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726 (VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-

727 adamantoyl)indole).

728 j. Quinoliny lindolecarboxylates,

729 Quinoliny lindazolecarboxylates, Quinoliny lindolecarboxamides,

730 and Quinoliny lindazolecarboxamides.—Any compound containing a

731 quinoliny lindole carboxylate, quinoliny lindazole carboxylate,

732 isoquinoliny lindole carboxylate, isoquinoliny lindazole

733 carboxylate, quinoliny lindole carboxamide, quinoliny lindazole

734 carboxamide, isoquinoliny lindole carboxamide, or

735 isoquinoliny lindazole carboxamide structure, with or without

736 substitution on the indole or indazole ring to any extent,

737 whether or not substituted on the quinoline or isoquinoline ring

738 to any extent, including, but not limited to:

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

740 (II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-

741 carboxylate).

742 (III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-

743 carboxylate).

744 (IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-

745 carboxylate).

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

747 (VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-

748 3-carboxylate).

749 (VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-

750 3-carboxylate).

751 (VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).

752 (IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-

753 carboxamide).

754 k. Naphthylindolecarboxylates and

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

760 (I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-  
 761 carboxylate).

762 (II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-  
 763 carboxylate).

764 (III) Fluoro SDB-005 (1-Naphthalenyl 1-  
 765 (fluoropentyl)indazole-3-carboxylate).

766 (IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-  
 767 carboxylate).

768 (V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-  
 769 carboxylate).

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

776 (I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

777 (II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-  
 778 3-carboxamide).

779 (III) Chloro-NNEI (N-Naphthalen-1-yl 1-  
 780 (chloropentyl)indole-3-carboxamide).

781 (IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-  
 782 carboxamide).

783 (V) Fluoro MN-18 (N-Naphthalen-1-yl 1-

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784 (fluoropentyl)indazole-3-carboxamide).

785 m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl  
 786 indazole carboxamides, Alkylcarbonyl indole carboxylates, and  
 787 Alkylcarbonyl indazole carboxylates.—Any compound containing an  
 788 alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl,  
 789 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-  
 790 phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an  
 791 indole carboxamide, indazole carboxamide, indole carboxylate, or  
 792 indazole carboxylate, with or without substitution on the indole  
 793 or indazole ring to any extent, whether or not substituted on  
 794 the alkylcarbonyl group to any extent, including, but not  
 795 limited to:

796 (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
 797 pentylindole-3-carboxamide).

798 (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-  
 799 yl)-1-(fluoropentyl)indole-3-carboxamide).

800 (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 801 (fluoropentyl)indole-3-carboxamide).

802 (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 803 pentylindazole-3-carboxamide).

804 (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-  
 805 1-(fluoropentyl)indazole-3-carboxamide).

806 (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-  
 807 1-pentylindazole-3-carboxamide).

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

810 (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
 811 (4-fluorobenzyl)indazole-3-carboxamide).

812 (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

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813 yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

814 (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

815 (cyclohexylmethyl)indazole-3-carboxamide).

816 (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

817 (cyclohexylmethyl)indazole-3-carboxamide).

818 (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

819 yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

820 (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

821 pentyindazole-3-carboxamide).

822 (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-

823 (fluoropentyl)indazole-3-carboxamide).

824 (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-

825 fluorobenzyl)indazole-3-carboxamide).

826 (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

827 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).

828 (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

829 2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).

830 (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

831 2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).

832 (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

833 fluoropentyl)indole-3-carboxamide).

834 (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-

835 fluoropentyl)indazole-3-carboxamide).

836 (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-

837 (cyclohexylmethyl)indazole-3-carboxamide).

838 (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-

839 fluorobenzyl)indazole-3-carboxamide).

840 (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-

841 2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).

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842 n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—

843 Any compound containing a N-(2-phenylpropan-2-yl) indole

844 carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide

845 structure, with or without substitution on the indole or

846 indazole ring to any extent, whether or not substituted on the

847 phenyl ring of the cumyl group to any extent, including, but not

848 limited to:

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

850 carboxamide).

851 (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-

852 (fluoropentyl)indole-3-carboxamide).

853 o. Other Synthetic Cannabinoids.—Any material, compound,

854 mixture, or preparation that contains any quantity of a

855 Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:

856 (I) With or without modification or replacement of a

857 carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage

858 between either two core rings, or linkage between a core ring

859 and group structure, with or without the addition of a carbon or

860 replacement of a carbon;

861 (II) With or without replacement of a core ring or group

862 structure, whether or not substituted on the ring or group

863 structures to any extent; and

864 (III) Is a cannabinoid receptor agonist, unless

865 specifically excepted or unless listed in another schedule or

866 contained within a pharmaceutical product approved by the United

867 States Food and Drug Administration.

868 191. Substituted Cathinones.—Unless specifically excepted,

869 listed in another schedule, or contained within a pharmaceutical

870 product approved by the United States Food and Drug

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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;

(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).

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- (D) 2,3-Methylenedioxymethcathinone.
- (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).

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929 (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).  
 930 (BB) F-MABP (Fluoromethylaminobutyrophenone).  
 931 (CC) Me-EABP (Methylethylaminobutyrophenone).  
 932 (DD) PBP (Pyrrolidinobutyrophenone).  
 933 (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).  
 934 (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).  
 935 (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).  
 936 (HH) Dimethylone (3,4-Methylenedioxy-N,N-  
 937 dimethylcathinone).  
 938 (II) 3,4-Methylenedioxy-N,N-diethylcathinone.  
 939 (JJ) 3,4-Methylenedioxy-N-acetylcathinone.  
 940 (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.  
 941 (LL) 3,4-Methylenedioxy-N-acetylmethcathinone.  
 942 (MM) Methylbuphedrone (Methyl-alpha-  
 943 methylaminobutyrophenone).  
 944 (NN) Methyl-alpha-methylaminohexanophenone.  
 945 (OO) N-Ethyl-N-methylcathinone.  
 946 (PP) PHP (Pyrrolidinoheptanophenone).  
 947 (QQ) PV8 (Pyrrolidinoheptanophenone).  
 948 (RR) Chloromethcathinone.  
 949 (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.  
 950 192. Substituted Phenethylamines.—Unless specifically  
 951 excepted or unless listed in another schedule, or contained  
 952 within a pharmaceutical product approved by the United States  
 953 Food and Drug Administration, any material, compound, mixture,  
 954 or preparation, including its salts, isomers, esters, or ethers,  
 955 and salts of isomers, esters, or ethers, whenever the existence  
 956 of such salts is possible within any of the following specific  
 957 chemical designations, any compound containing a phenethylamine

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958 structure, without a beta-keto group, and without a benzyl group  
 959 attached to the amine group, whether or not the compound is  
 960 further modified with or without substitution on the phenyl ring  
 961 to any extent with alkyl, alkylthio, nitro, alkoxy, thio,  
 962 halide, fused alkylenedioxy, fused furan, fused benzofuran,  
 963 fused dihydrofuran, or fused tetrahydropyran substituents,  
 964 whether or not further substituted on a ring to any extent, with  
 965 or without substitution at the alpha or beta position by any  
 966 alkyl substituent, with or without substitution at the nitrogen  
 967 atom, and with or without inclusion of the 2-amino nitrogen atom  
 968 in a cyclic structure, including, but not limited to:  
 969 a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).  
 970 b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).  
 971 c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).  
 972 d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).  
 973 e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).  
 974 f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).  
 975 g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).  
 976 h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).  
 977 i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).  
 978 j. 2C-H (2,5-Dimethoxyphenethylamine).  
 979 k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).  
 980 l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).  
 981 m. MDMA (3,4-Methylenedioxymethamphetamine).  
 982 n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-  
 983 Methylenedioxy-N-methylbutanamine).  
 984 o. MDA (3,4-Methylenedioxyamphetamine).  
 985 p. 2,5-Dimethoxyamphetamine.  
 986 q. Fluoroamphetamine.

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987 r. Fluoromethamphetamine.  
 988 s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).  
 989 t. DOB (4-Bromo-2,5-dimethoxyamphetamine).  
 990 u. DOC (4-Chloro-2,5-dimethoxyamphetamine).  
 991 v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).  
 992 w. DOI (4-Iodo-2,5-dimethoxyamphetamine).  
 993 x. DOM (4-Methyl-2,5-dimethoxyamphetamine).  
 994 y. PMA (4-Methoxyamphetamine).  
 995 z. N-Ethylamphetamine.  
 996 aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.  
 997 bb. 5-Methoxy-3,4-methylenedioxyamphetamine.  
 998 cc. PMMA (4-Methoxymethamphetamine).  
 999 dd. N,N-Dimethylamphetamine.  
 1000 ee. 3,4,5-Trimethoxyamphetamine.  
 1001 ff. 4-APB (4-(2-Aminopropyl)benzofuran).  
 1002 gg. 5-APB (5-(2-Aminopropyl)benzofuran).  
 1003 hh. 6-APB (6-(2-Aminopropyl)benzofuran).  
 1004 ii. 7-APB (7-(2-Aminopropyl)benzofuran).  
 1005 jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).  
 1006 kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).  
 1007 ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).  
 1008 mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).  
 1009 nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).  
 1010 oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).  
 1011 pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).  
 1012 qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).  
 1013 rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).  
 1014 ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-  
 1015 dihydrobenzofuran),

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1016  
 1017 which does not include phenethylamine, mescaline as described in  
 1018 subparagraph 20., substituted cathinones as described in  
 1019 subparagraph 191., N-Benzyl phenethylamine compounds as  
 1020 described in subparagraph 193., or methamphetamine as described  
 1021 in subparagraph (2)(c)5.  
 1022 193. N-Benzyl Phenethylamine Compounds.—Unless specifically  
 1023 excepted or unless listed in another schedule, or contained  
 1024 within a pharmaceutical product approved by the United States  
 1025 Food and Drug Administration, any material, compound, mixture,  
 1026 or preparation, including its salts, isomers, esters, or ethers,  
 1027 and salts of isomers, esters, or ethers, whenever the existence  
 1028 of such salts is possible within any of the following specific  
 1029 chemical designations, any compound containing a phenethylamine  
 1030 structure without a beta-keto group, with substitution on the  
 1031 nitrogen atom of the amino group with a benzyl substituent, with  
 1032 or without substitution on the phenyl or benzyl ring to any  
 1033 extent with alkyl, alkoxy, thio, alkylthio, halide, fused  
 1034 alkylendioxy, fused furan, fused benzofuran, or fused  
 1035 tetrahydropyran substituents, whether or not further substituted  
 1036 on a ring to any extent, with or without substitution at the  
 1037 alpha position by any alkyl substituent, including, but not  
 1038 limited to:  
 1039 a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-  
 1040 methoxybenzyl)]phenethylamine).  
 1041 b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-  
 1042 hydroxybenzyl)]phenethylamine).  
 1043 c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-  
 1044 fluorobenzyl)]phenethylamine).

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1045 d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-  
 1046 methylenedioxybenzyl)]phenethylamine).  
 1047 e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-  
 1048 methoxybenzyl)]phenethylamine).  
 1049 f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-  
 1050 hydroxybenzyl)]phenethylamine).  
 1051 g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-  
 1052 fluorobenzyl)]phenethylamine).  
 1053 h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-  
 1054 methylenedioxybenzyl)]phenethylamine).  
 1055 i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-  
 1056 methoxybenzyl)]phenethylamine).  
 1057 j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-  
 1058 methoxybenzyl)]phenethylamine).  
 1059 k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-  
 1060 methoxybenzyl)]phenethylamine).  
 1061 l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-  
 1062 methoxybenzyl)]phenethylamine).  
 1063 m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-  
 1064 hydroxybenzyl)]phenethylamine).  
 1065 n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-  
 1066 fluorobenzyl)]phenethylamine).  
 1067 o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-  
 1068 methylenedioxybenzyl)]phenethylamine).  
 1069 p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-  
 1070 methoxybenzyl)]phenethylamine).  
 1071 q. 25H-NBOH (2,5-Dimethoxy-[N-(2-  
 1072 hydroxybenzyl)]phenethylamine).  
 1073 r. 25H-NBF (2,5-Dimethoxy-[N-(2-

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1074 fluorobenzyl)]phenethylamine).  
 1075 s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-  
 1076 methoxybenzyl)]phenethylamine),  
 1077  
 1078 which does not include substituted cathinones as described in  
 1079 subparagraph 191.  
 1080 194. Substituted Tryptamines.—Unless specifically excepted  
 1081 or unless listed in another schedule, or contained within a  
 1082 pharmaceutical product approved by the United States Food and  
 1083 Drug Administration, any material, compound, mixture, or  
 1084 preparation containing a 2-(1H-indol-3-yl)ethanamine, for  
 1085 example tryptamine, structure with or without mono- or di-  
 1086 substitution of the amine nitrogen with alkyl or alkenyl groups,  
 1087 or by inclusion of the amino nitrogen atom in a cyclic  
 1088 structure, whether or not substituted at the alpha position with  
 1089 an alkyl group, whether or not substituted on the indole ring to  
 1090 any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy  
 1091 groups, including, but not limited to:  
 1092 a. Alpha-Ethyltryptamine.  
 1093 b. Bufotenine.  
 1094 c. DET (Diethyltryptamine).  
 1095 d. DMT (Dimethyltryptamine).  
 1096 e. MET (N-Methyl-N-ethyltryptamine).  
 1097 f. DALT (N,N-Diallyltryptamine).  
 1098 g. EiPT (N-Ethyl-N-isopropyltryptamine).  
 1099 h. MiPT (N-Methyl-N-isopropyltryptamine).  
 1100 i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).  
 1101 j. 5-Hydroxy-N-methyltryptamine.  
 1102 k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).

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- 1103 1. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).  
 1104 m. Methyltryptamine.  
 1105 n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).  
 1106 o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).  
 1107 p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).  
 1108 q. DiPT (N,N-Diisopropyltryptamine).  
 1109 r. DPT (N,N-Dipropyltryptamine).  
 1110 s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).  
 1111 t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).  
 1112 u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).  
 1113 v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).  
 1114 w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).  
 1115 x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).  
 1116 y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-  
 1117 isopropyltryptamine).  
 1118 z. Methyl-alpha-ethyltryptamine.  
 1119 aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),  
 1120  
 1121 which does not include tryptamine, psilocyn as described in  
 1122 subparagraph 34., or psilocybin as described in subparagraph 33.  
 1123 195. Substituted Phenylcyclohexylamines.—Unless  
 1124 specifically excepted or unless listed in another schedule, or  
 1125 contained within a pharmaceutical product approved by the United  
 1126 States Food and Drug Administration, any material, compound,  
 1127 mixture, or preparation containing a phenylcyclohexylamine  
 1128 structure, with or without any substitution on the phenyl ring,  
 1129 any substitution on the cyclohexyl ring, any replacement of the  
 1130 phenyl ring with a thiophenyl or benzothiophenyl ring, with or  
 1131 without substitution on the amine with alkyl, dialkyl, or alkoxy

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- 1132 substituents, inclusion of the nitrogen in a cyclic structure,  
 1133 or any combination of the above, including, but not limited to:  
 1134 a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP  
 1135 (Benocyclidine).  
 1136 b. PCE (N-Ethyl-1-phenylcyclohexylamine) (Ethylamine analog  
 1137 of phencyclidine).  
 1138 c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine  
 1139 analog of phencyclidine).  
 1140 d. PCPr (Phenylcyclohexylpropylamine).  
 1141 e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene  
 1142 analog of phencyclidine).  
 1143 f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).  
 1144 g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).  
 1145 h. Methoxetamine.  
 1146 i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).  
 1147 j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).  
 1148 k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).  
 1149 l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).  
 1150 m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).  
 1151 n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).  
 1152 o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).  
 1153 p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).  
 1154 q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).  
 1155 r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).  
 1156 196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-  
 1157 piperidinylidene]-benzenesulfonamide.  
 1158 197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-  
 1159 piperidinylidene]-benzenesulfonamide.  
 1160 198. AH-7921, 3,4-dichloro-N-[[1-

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(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.

Section 2. Paragraph (i) of subsection (1) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(1)

(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.

~~a.-e.~~; or

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

2. The substance or mixture listed in subparagraph 1. is in

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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;

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

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1219 quantity involved:

1220 a. Is 4 grams or more, but less than 14 grams, such person  
 1221 shall be sentenced to a mandatory minimum term of imprisonment  
 1222 of 3 years and shall be ordered to pay a fine of \$50,000.

1223 b. Is 14 grams or more, but less than 28 grams, such person  
 1224 shall be sentenced to a mandatory minimum term of imprisonment  
 1225 of 15 years and shall be ordered to pay a fine of \$100,000.

1226 c. Is 28 grams or more, but less than 30 kilograms, such  
 1227 person shall be sentenced to a mandatory minimum term of  
 1228 imprisonment of 25 years and shall be ordered to pay a fine of  
 1229 \$500,000.

1230 2. A person who knowingly sells, purchases, manufactures,  
 1231 delivers, or brings into this state, or who is knowingly in  
 1232 actual or constructive possession of, 28 grams or more of  
 1233 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
 1234 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
 1235 grams or more of any mixture containing any such substance,  
 1236 commits a felony of the first degree, which felony shall be  
 1237 known as "trafficking in hydrocodone," punishable as provided in  
 1238 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1239 a. Is 28 grams or more, but less than 50 grams, such person  
 1240 shall be sentenced to a mandatory minimum term of imprisonment  
 1241 of 3 years and shall be ordered to pay a fine of \$50,000.

1242 b. Is 50 grams or more, but less than 100 grams, such  
 1243 person shall be sentenced to a mandatory minimum term of  
 1244 imprisonment of 7 years and shall be ordered to pay a fine of  
 1245 \$100,000.

1246 c. Is 100 grams or more, but less than 300 grams, such  
 1247 person shall be sentenced to a mandatory minimum term of

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1248 imprisonment of 15 years and shall be ordered to pay a fine of  
 1249 \$500,000.

1250 d. Is 300 grams or more, but less than 30 kilograms, such  
 1251 person shall be sentenced to a mandatory minimum term of  
 1252 imprisonment of 25 years and shall be ordered to pay a fine of  
 1253 \$750,000.

1254 3. A person who knowingly sells, purchases, manufactures,  
 1255 delivers, or brings into this state, or who is knowingly in  
 1256 actual or constructive possession of, 7 grams or more of  
 1257 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
 1258 thereof, or 7 grams or more of any mixture containing any such  
 1259 substance, commits a felony of the first degree, which felony  
 1260 shall be known as "trafficking in oxycodone," punishable as  
 1261 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 1262 quantity involved:

1263 a. Is 7 grams or more, but less than 14 grams, such person  
 1264 shall be sentenced to a mandatory minimum term of imprisonment  
 1265 of 3 years and shall be ordered to pay a fine of \$50,000.

1266 b. Is 14 grams or more, but less than 25 grams, such person  
 1267 shall be sentenced to a mandatory minimum term of imprisonment  
 1268 of 7 years and shall be ordered to pay a fine of \$100,000.

1269 c. Is 25 grams or more, but less than 100 grams, such  
 1270 person shall be sentenced to a mandatory minimum term of  
 1271 imprisonment of 15 years and shall be ordered to pay a fine of  
 1272 \$500,000.

1273 d. Is 100 grams or more, but less than 30 kilograms, such  
 1274 person shall be sentenced to a mandatory minimum term of  
 1275 imprisonment of 25 years and shall be ordered to pay a fine of  
 1276 \$750,000.

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1277 4.a. A person who knowingly sells, purchases, manufactures,  
 1278 delivers, or brings into this state, or who is knowingly in  
 1279 actual or constructive possession of, 4 grams or more of:  
 1280 (I) Alfentanil, as described in s. 893.03(2)(b)1.;  
 1281 (II) Carfentanil, as described in s. 893.03(2)(b)6.;  
 1282 (III) Fentanyl, as described in s. 893.03(2)(b)9.;  
 1283 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;  
 1284 (V) A fentanyl derivative, as described in s.  
 1285 893.03(1)(a)63.;  
 1286 (VI) A controlled substance analog, as described in s.  
 1287 893.0356, of any substance described in sub-sub-paragraphs  
 1288 (I)-(V); or  
 1289 (VII) A mixture containing any substance described in sub-  
 1290 sub-paragraphs (I)-(VI),  
 1291  
 1292 commits a felony of the first degree, which felony shall be  
 1293 known as "trafficking in dangerous fentanyl or fentanyl  
 1294 analogues," punishable as provided in s. 775.082, s. 775.083, or  
 1295 s. 775.084.  
 1296 b. If the quantity involved under sub-subparagraph a.:  
 1297 (I) Is 4 grams or more, but less than 14 grams, such person  
 1298 shall be sentenced to a mandatory minimum term of imprisonment  
 1299 of 7 years~~7~~ and shall be ordered to pay a fine of \$50,000.  
 1300 (II) Is 14 grams or more, but less than 28 grams, such  
 1301 person shall be sentenced to a mandatory minimum term of  
 1302 imprisonment of 20 years~~7~~ and shall be ordered to pay a fine of  
 1303 \$100,000.  
 1304 (III) Is 28 grams or more, such person shall be sentenced  
 1305 to a mandatory minimum term of imprisonment of 25 years~~7~~ and

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1306 shall be ordered to pay a fine of \$500,000.  
 1307 c. A person 18 years of age or older who violates sub-  
 1308 subparagraph a. by knowingly selling or delivering to a minor at  
 1309 least 4 grams of a substance or mixture listed in sub-  
 1310 subparagraph a. shall be sentenced to a mandatory minimum term  
 1311 of not less than 25 years and not exceeding life imprisonment,  
 1312 and shall be ordered to pay a fine of \$1 million if the  
 1313 substance or mixture listed in sub-subparagraph a. is in a form  
 1314 that resembles, or is mixed, granulated, absorbed, spray-dried,  
 1315 or aerosolized as or onto, coated on, in whole or in part, or  
 1316 solubilized with or into, a product, when such product or its  
 1317 packaging further has at least one of the following attributes:  
 1318 (I) Resembles the trade dress of a branded food product,  
 1319 consumer food product, or logo food product;  
 1320 (II) Incorporates an actual or fake registered copyright,  
 1321 service mark, or trademark;  
 1322 (III) Resembles candy, cereal, a gummy, a vitamin, or a  
 1323 chewable product, such as a gum or gelatin-based product; or  
 1324 (IV) Contains a cartoon character imprint.  
 1325 5. A person who knowingly sells, purchases, manufactures,  
 1326 delivers, or brings into this state, or who is knowingly in  
 1327 actual or constructive possession of, 30 kilograms or more of  
 1328 any morphine, opium, oxycodone, hydrocodone, codeine,  
 1329 hydromorphone, or any salt, derivative, isomer, or salt of an  
 1330 isomer thereof, including heroin, as described in s.  
 1331 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
 1332 more of any mixture containing any such substance, commits the  
 1333 first degree felony of trafficking in illegal drugs. A person  
 1334 who has been convicted of the first degree felony of trafficking

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in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

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

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

6. A person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, 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 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of a person, commits capital importation of illegal drugs, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to

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pay the maximum fine provided under subparagraph 1.

7. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of xylazine as described in s. 893.03(1)(c)37. or any salt thereof, or 28 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in xylazine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 100 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 \$100,000.

b. Is 100 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

Section 4. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2026, this act shall take effect October 1, 2026.



The Florida Senate

## Committee Agenda Request

**To:** Senator Jonathan Martin, Chair  
Committee on Criminal Justice

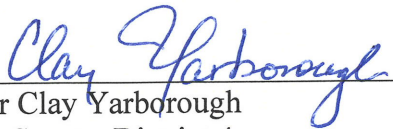
**Subject:** Committee Agenda Request

**Date:** December 3, 2025

---

I respectfully request that **Senate Bill #432**, relating to Controlled Substances, be placed on the:

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

  
\_\_\_\_\_  
Senator Clay Yarborough  
Florida Senate, District 4

## **SB 432 – Controlled Substances (Similar HB 309)**

This bill amends multiple statutes. First, it amends s. 893.03, F.S., adding 7-Hydroxymitragynine...concentrated at a level above 400 parts per million on a dry-weight basis” to the list of Schedule I controlled substances, making it now an offense for the possession, sale, manufacture, delivery, or trafficking of this drug. It then makes an exception for Xylazine, adding “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.” It also amends s. 893.13, F.S., adding Xylazine to the Level 7, 1<sup>st</sup> degree felony 3 year mandatory minimum sentence for when a “person sells, manufactures, or delivers, or possesses with intent to sell, manufacture, or deliver” a specific list of fentanyl-related substances, with Xylazine’s derivatives, analogs, and mixtures also included with fentanyl’s. Finally, this bill amends s. 893.135, F.S., adding “trafficking in xylazine” for “a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 28 grams or more of xylazine....or any salt thereof, or 28 grams or more of any mixture containing any such substance,” if the quantity involved is:

- 28 grams or more, less than 100 grams – Unranked, 1<sup>st</sup> degree felony; 3 year mandatory minimum
- 100 grams or more, less than 200 grams – Unranked, 1<sup>st</sup> degree felony; 7 year mandatory minimum
- 200 grams or more – Unranked, 1<sup>st</sup> degree felony; 25 year mandatory minimum

Under current law, for similar substances:

- 4 grams or more, less than 14 grams – 3 year mandatory minimum
- 14 grams or more, less than 28 grams – 15 year mandatory minimum
- 28 grams or more, less than 30 kilograms – 25 year mandatory minimum

Per DOC, in FY 24-25, there were 1,159 new commitments to prison for the possession, sale, manufacture, or delivery, or trafficking of various drugs. It is not known how many additional offenders would be incarcerated with the addition of 7-Hydroxymitragynine.

Xylazine is currently included with various other drugs under the sale, manufacturing, delivery, and trafficking statutes. The new language for Xylazine presents language that could both increase the prison population, by adding it to the Level 7, 1<sup>st</sup> degree 3 year mandatory felony with fentanyl, its derivatives, analogs, and mixtures, but also reduce it by not applying a mandatory minimum sentence for trafficking until it reaches 28 grams. Even though it is not known how many new commitments Xylazine represents, there were 70 new commitments for trafficking below the new threshold, and 362 new

commitments for sale, manufacture, and delivery. The higher number of new commitments make it likely that more offenders involved with Xylazine will be incarcerated, and with the addition of 7-Hydroxymitragynine, the prison population is expected to be pushed in a positive direction, though the number of new inmates cannot be quantified.

**EDR PROPOSED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**

The Florida Senate

# APPEARANCE RECORD

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

01/12/2026

Meeting Date

Criminal Justice

Committee

0432

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Molly Hudson

Phone

386-214-5536

Address

123 W. Indiana Ave

Street

Email

MHudson@volusia-sheriff.gov

Deland

City

FL 32720

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Volusia Sheriff's Office

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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1/12/26  
Meeting Date  
CRIMINAL justice  
Committee

432  
Bill Number or Topic

Name LIBBY Guzzo Phone 850-44-3300  
Address 400 S. MONROE ST PL-01 Email LIBBY.GUZZO@  
TLH FL 32399 MYFLORIDALEGAL.COM  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

OFFICE OF ATTORNEY GENERAL

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

01/12/2026

Meeting Date

SB 432

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Bob Cortes

Phone

407-840-3435

Address

100 Estlinger Way

Street

Email

bcortes@seminolesheriff.org

Sanford

City

FL

State

32773

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Seminole County 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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

01/12/26

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 432

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Lauren Jackson**

Phone **931-265-8999**

Address **205 S. Adams St.**

Email **lauren@ericksconsultants.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:

**Seminole County Sheriffs Office**

☐

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

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S-001 (08/10/2021)



1/12/2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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

DUPLICATE

432

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Allie McNair

Phone

8508772165

Address

2167 Mahan Drive

Email

amcnair@flsheriffs.org

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 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

January 12, 2026

The Florida Senate  
**APPEARANCE RECORD**

DUPLICATE

432

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **barney@barneybishop.com**  
**bthney@Ba3355@yahoo.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 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**

1/12/26

Meeting Date

432

Bill Number or Topic

Criminal Justice

Committee

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

Amendment Barcode (if applicable)

Name

Richard B. Williams

Florida Veterinary  
Medical Association

Phone

904-588-6612

Address

4958 Maybank Way

Street

Email

wrk9doc@BellSouth.net

Jacksonville

City

FL

State

32225

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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: CS/SB 436

INTRODUCER: Criminal Justice Committee and Senator Leek

SUBJECT: Felony Battery

DATE: January 13, 2026

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 436 amends s. 784.03, F.S., to expand the list of qualifying prior offenses that allow for the reclassification of misdemeanor battery to a third degree felony. Specifically, the bill adds “*resisting an officer with violence*” under s. 843.01, F.S., to the list of prior convictions that may trigger felony reclassification.

The bill amends s. 775.082, F.S., to add felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

The bill may have a positive significant impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Battery**

The offense of battery occurs when a person:

- Actually and intentionally touches or strikes another person against the will of the other; or

- Intentionally causes bodily harm to another person.<sup>1</sup>

Battery is generally classified as a first degree misdemeanor.<sup>2</sup> However, if an individual has a prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery offense, they can be charged with a third degree felony.<sup>3</sup>

The intent required for battery under Florida law is established when a defendant either purposefully touches or strikes another person or engages in conduct knowing that such contact is substantially certain to occur. Courts have clarified that this intent may be inferred from the circumstances surrounding the act rather than requiring direct evidence of purpose. For example, in *Clark v. State*, the court held that battery may occur through the intentional touching or striking of an object so intimately connected to the person that it is regarded as an extension of the person, such as clothing or items held in hand.<sup>4</sup> Later, in *Fey v. State*, the court expanded the definition of intentional touching or striking to include situations where the defendant knows that contact is substantially certain to result from their actions.<sup>5</sup> Finally, *S.D. v. State* emphasized that intent to commit battery must be determined by circumstances surrounding the touching or striking of the victim.<sup>6</sup>

The Florida Bar's Florida Standard Criminal Jury Instructions for Battery, provides an instruction to prove the crime of Battery, the State must prove the following element beyond a reasonable doubt:

- the Defendant actually and intentionally touched or struck the victim against his or her will; or
- the Defendant intentionally caused bodily harm to the victim.<sup>7</sup>

### ***Assault or Battery on a Law Enforcement Officers or Other Specified Professional***

An offense for assault, aggravated assault, battery, and aggravated battery is reclassified when a person is charged with intentionally committing any of these offenses against an officer or employee who is engaged in engaged in the lawful performance of his or her duties.<sup>8</sup>

Law enforcement officers and specified personnel are currently identified as:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A railroad special officer;
- A traffic accident investigation officer;

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<sup>1</sup> Section 784.03, F.S.

<sup>2</sup> A first degree misdemeanor is punishable by not more than a year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

<sup>3</sup> Section 784.03(2), F.S.

<sup>4</sup> *Clark v. State*, 783 So. 2d 967 (Fla. 2001)

<sup>5</sup> *Fey v. State*, 125 So. 3d 828 (Fla. 4th DCA 2013)

<sup>6</sup> *S.D. v. State*, 882 So.2d 447 (Fla. 4th DCA 2004)

<sup>7</sup> Florida Standard Jury Instruction 8.3

<sup>8</sup> Section 784.07(2), F.S.

- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;
- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer;
- A security officer employed by the board of trustees of a community college;
- A public transit employee or agent; or
- A utility worker is engaged in the lawful performance of his or her duties.<sup>9</sup>

The reclassification of the degree of the offense is as follows:

- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor;
- In the case of battery, from a first degree misdemeanor to a third degree felony;
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment; and
- In the case of aggravated battery, from a second degree felony to a first degree felony,<sup>10</sup> and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.<sup>11</sup>

Additionally, if an individual, during the commission of a battery of an officer, possessed:

- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.<sup>12</sup>

### **Resisting Arrest**

A person who knowingly and willfully resists, obstructs, or opposes specified officers by offering or doing violence to the officer, commits a third degree felony.<sup>13</sup>

Officers specified in s. 843.01, F.S., include:

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<sup>9</sup> Section 784.07, F.S.

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

<sup>11</sup> Section 784.07(2)(a)-(d), F.S.

<sup>12</sup> Section 784.07(3)(a) and (b), F.S. Additionally, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release, prior to serving the minimum sentence. Section 784.07(3), F.S.

<sup>13</sup> Section 843.01, F.S.

- Law enforcement officer, correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer or auxiliary law enforcement officer;<sup>14</sup>
- Members of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- Parole and probation supervisors;
- County probation officers;
- Personnel or representatives 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.

The Florida Bar's Florida Standard Criminal Jury Instructions for Obstruction of Justice, resisting an officer with violence provides an instruction to prove the crime of Resisting Officer with Violence, the State must prove all of the following elements beyond a reasonable doubt:

- The defendant knowingly and willfully resisted, obstructed or opposed the victim by offering to do violence or doing violence to the victim.
- At the time, the victim was engaged in the execution of legal process or lawful execution of a legal duty.
- At the time, the victim was an officer or a person legally authorized to execute process.
- At the time, the defendant knew the victim was an officer or a person legally authorized to execute process.<sup>15</sup>

"Offering" to do violence means threatening to do violence.

Florida courts have clarified the scope of intent in resisting and battery-related offenses through several decisions. In *Kirkland v. State*,<sup>16</sup> the court held that verbal threats alone do not constitute "resisting with violence" when the defendant lacks the ability to carry out those threats, as in the case where the defendant was hogtied and physically incapable of acting on them. This illustrates that intent requires more than words, it must be coupled with the capacity to act. In *Frey v. State*,<sup>17</sup> the Florida Supreme Court determined that resisting arrest with violence is not a specific intent crime, meaning the defense of voluntary intoxication does not apply; the offense only requires a general intent to resist, not a heightened mental state. Similarly, in *Wright v. State*<sup>18</sup> (1998), the court recognized that a defendant charged with attempted battery on a law enforcement officer was entitled to a jury instruction on the justifiable use of non-deadly force, reinforcing that intent must be evaluated in light of the circumstances and available defenses. Together, these cases underscore that intent in these circumstances is determined by both the defendant's ability to act and the surrounding circumstances, rather than requiring proof of a specific purpose.

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<sup>14</sup> Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.

<sup>15</sup> Florida Standard Jury Instruction 21.1

<sup>16</sup> *Kirkland v State*, 647 So. 2d.142 (Fla. 1994)

<sup>17</sup> *Frey v State*, 708 So.2d 918 (Fla. 1998)

<sup>18</sup> *Wright v State*, 705 So.2d 102 (Fla. 1998)

## Sentencing

The Criminal Punishment Code<sup>19</sup> (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).<sup>20</sup>

The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- Sixty 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;
- Fifteen years in state prison for a second degree felony; and
- Generally, 30 years in state prison for a first degree felony.<sup>21</sup>

### *Offense 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.

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.

A person who commits battery on a law enforcement officer is guilty of a third-degree felony. The offense is ranked as a Level 4 offense on the Criminal Punishment Code Offense Severity Ranking Chart. A third-degree felony is punishable by up to five years in state prison, five years of probation, and a \$5,000 fine.<sup>22</sup>

Resisting an officer with violence is classified as a third-degree felony and is ranked as a Level 5 offense on the Criminal Punishment Code Offense Severity Ranking Chart. A third-degree felony is punishable by up to five years in state prison, five years of probation, and a \$5,000 fine.<sup>23</sup>

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<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> 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.

<sup>22</sup> Section 784.07, F.S.

<sup>23</sup> Section 843.01, F.S.



### ***Enhancement***

Florida law authorizes several sentence enhancement provisions for qualifying offenders, including Prison Releasee Reoffender, Habitual Felony Offender, and Violent Career Criminal designations.

#### Prison Releasee Reoffender

If the state attorney determines that a defendant is a prison releasee reoffender, the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- For a felony punishable by life,<sup>24</sup> by a term of imprisonment for life;
- For a first degree felony,<sup>25</sup> by a term of imprisonment of 30 years;
- For a second degree felony<sup>26</sup>, by a term of imprisonment of 15 years; and
- For a third degree felony,<sup>27</sup> by a term of imprisonment of 5 years.<sup>28</sup>

A person sentenced as a prison releasee reoffender can be released only by expiration of sentence and is not be eligible for parole, control release, or any form of early release. A prison releasee reoffender must also serve 100 percent of the court-imposed sentence.<sup>29</sup>

A “prison releasee reoffender” is a person who has committed or attempted to commit any of the following enumerated offenses within 3 years after being released from a prison sentence:<sup>30</sup>

- Treason;
- Murder;
- Manslaughter;
- Sexual battery;
- Carjacking;
- Home-invasion robbery;
- Robbery;
- Arson;
- Kidnapping;
- Aggravated assault with deadly weapon;

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<sup>24</sup> For example, a capital felony is generally punishable by death or life imprisonment, a life felony is generally punishable by life imprisonment or by a term of imprisonment not exceeding 40 years, and a first degree felony may be punishable by a term of years not exceeding life imprisonment when specifically provided by statute. Section 775.082, F.S.

<sup>25</sup> The maximum term of imprisonment for a first degree felony is generally 30 years imprisonment. Section 775.082, F.S.

<sup>26</sup> The maximum term of imprisonment for a second degree felony is 15 years imprisonment. Section 775.082, F.S.

<sup>27</sup> The maximum term of imprisonment for a third degree felony is 5 years imprisonment. Section 775.082, F.S.

<sup>28</sup> Section 775.082(9)(a)3., F.S.

<sup>29</sup> Section 775.082(9)(b), F.S. Section 775.082(9), F.S., does not prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084, F.S., or any other provision of law. Section 775.082(9)(c), F.S.

<sup>30</sup> Section 775.082, F.S., states that Florida state or private correctional facility, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year.

- Aggravated battery;
- Aggravated stalking;
- Aircraft piracy;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Any felony that involves the use or threat of physical force or violence against an individual;
- Armed burglary;
- Burglary of a dwelling or an occupied structure;
- Any violation of s. 790.07, F.S. (felons in possession of firearms);
- Any violation of s. 800.04, F.S. (lewd or lascivious act in the presence of a child);
- Any violation of s. 827.03, F.S. (abuse, aggravated abuse and neglect of a child);
- Any violation of s. 827.071, F.S. (sexual performance by a child); or
- Any violation of s. 847.013(5), F.S. (prohibited computer transmissions constituting lewd exhibition).<sup>31</sup>

### Habitual Felony Offender

The Habitual Felony Offender (HFO) statute targets repeat felony offenders who demonstrate a pattern of recidivism, allowing courts to impose longer sentences to protect public safety while preserving judicial discretion. Under current law, a HFO is a defendant for whom the court may impose an extended term of imprisonment. The court may classify a person as a Habitual Felony Offender if it finds that:

- The defendant has two or more felony convictions (or other qualified offenses<sup>32</sup>) in this state.
- The felony for which the defendant is to be sentenced was committed:
  - While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or
  - Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13, F.S., relating to the purchase or the possession of a controlled substance.

The defendant has not received a pardon for any felony or other qualified offense that is necessary for habitual felony offender designation.<sup>33</sup>

If the State pursues the HFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment may sentence the habitual felony offender as follows:

- A life felony or a felony of the first degree, for life.

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<sup>31</sup> Section 775.082, F.S.

<sup>32</sup> Section 775.084(1)(a), Florida Statutes, provides that any felony offense qualifies except violations of s. 893.13 relating to the purchase or possession of a controlled substance, which are expressly excluded.

<sup>33</sup> Section 775.084, F.S.

- A felony of the second degree, for a term of years not exceeding 30.
- A felony of the third degree, for a term of years not exceeding 10.

The court retains discretion to decline enhanced sentencing if it determines such punishment is not necessary for the protection of the public, but must provide written reasons for doing so.

### Violent Career Criminal

Violent career criminal (VCC) designation targets offenders with a demonstrated pattern of violent criminal behavior and prior incarceration, aiming to incapacitate individuals deemed high-risk for recidivism. A violent career criminal designation applies to defendants who meet all of the following criteria:

- The defendant has three or more prior adult convictions for qualifying offenses, which include:
  - Any forcible felony<sup>34</sup>
  - Aggravated stalking<sup>35</sup>
  - Aggravated child abuse<sup>36</sup>
  - Aggravated abuse of an elderly person or disabled adult<sup>37</sup>
  - Lewd or lascivious battery, molestation, conduct, or exhibition<sup>38</sup>
  - Escape<sup>39</sup>
  - Any felony violation of ch. 790, F.S., involving the use or possession of a firearm.
- The defendant has been incarcerated in a state or federal prison.
- The current felony offense must be one of the enumerated crimes and committed:
  - While serving a sentence or supervision for a prior enumerated felony, or
  - Within 5 years of the last prior conviction or release from incarceration/supervision for an enumerated felony.

In 2007, *State v. Hearn*, the Supreme Court, held that battery on law enforcement officer was not a “forcible felony” that could be used to enhance subsequent felony as violent career criminal.<sup>40</sup> “Forcible felony” is used in several sentence enhancement statutes, including the Prison Releasee Reoffender, Habitual Felony Offender, and the Violent Career Criminal designation. By excluding battery on a law enforcement officer from this category, the Court limited its use as a qualifying offense for these enhanced sentencing schemes.

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<sup>34</sup> Section 776.08, F.S., “Forcible felony” means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

<sup>35</sup> Section 784.048(3) and (4), F.S.

<sup>36</sup> Section 827.03(2)(a), F.S.

<sup>37</sup> Section 825.102(2), F.S.

<sup>38</sup> Section 800.04 or s. 847.0135(5), F.S.

<sup>39</sup> Section 944.40, F.S.

<sup>40</sup> *State v. Hearn*, 961 So.2d 211 (Fla. 2007)

***Reclassification***

Reclassifying an offense increases the degree of the offense. Typically, the maximum sentence for a criminal offense is determined by the degree of the misdemeanor or felony. The following are the maximum sentences associated with each degree:

- Sixty 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;
- Fifteen years in state prison for a second degree felony; and
- Generally, thirty years in state prison for a first degree felony.<sup>41</sup>

**III. Effect of Proposed Changes:**

The bill amends s. 784.03, F.S., to expand the list of qualifying prior offenses that allow for the reclassification of misdemeanor battery to a third degree felony. Specifically, the bill adds “*resisting an officer with violence*” under s. 843.01, F.S., to the list of prior convictions that may trigger felony reclassification.

The bill amends s. 775.082, F.S., to add felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

The bill takes effect July 1, 2026.

**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.

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<sup>41</sup> Section 775.082, F.S. (maximum penalties). Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.082, F.S., provides the following maximum fines: \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

**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 significant prison bed on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per FDLE, in FY 24-25, there were 1,138 arrests for the 1st degree misdemeanor under s. 784.03, F.S., with 405 guilty/convicted charges and 70 adjudication withheld charges for those with a prior conviction or adjudication withheld under s. 843.01, F.S.
- Per DOC, the incarceration rate for this felony was between 11% and 15% over the last three fiscal years. This is higher than the incarceration rate for Level 1, 3rd degree felonies in general (9.7% in FY 24-25). However, even with the lowest incarceration rate the number of offenders that would be incarcerated would be above the threshold for significance (25 offenders in a fiscal year).<sup>42</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 775.082, 784.03.

This bill reenacts ss. 775.261(2)(a), (4)(g), (8), and (10), 900.05(2)(bb), 903.011(6), 907.041 (5)(c), 943.0584(2), 944.608(1) and (8), 944.609(1), and 944.705(7)(a) and (b), F.S., for the purpose of incorporating the amendment made by this act.

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<sup>42</sup> Office of Economic and Demographic Research, *SB 436- Felony Battery*, (on file with the Senate Committee on Criminal Justice).

**IX. Additional Information:**

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

**CS by Criminal Justice on January 12, 2026:**

The committee substitute adds felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
	.	
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	.	

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

**Senate Amendment (with title amendment)**

Between lines 99 and 100  
insert:

Section 3. Paragraph (a) of subsection (9) of section  
775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures;  
mandatory minimum sentences for certain reoffenders previously  
released from prison.—

(9)(a)1. "Prison releasee reoffender" means any defendant



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who commits, or attempts to commit:

- a. Treason;
  - b. Murder;
  - c. Manslaughter;
  - d. Sexual battery;
  - e. Carjacking;
  - f. Home-invasion robbery;
  - g. Robbery;
  - h. Arson;
  - i. Kidnapping;
  - j. Aggravated assault with a deadly weapon;
  - k. Aggravated battery;
  - l. Aggravated stalking;
  - m. Aircraft piracy;
  - n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
  - o. Any felony that involves the use or threat of physical force or violence against an individual;
  - p. Armed burglary;
  - q. Burglary of a dwelling or burglary of an occupied structure; ~~or~~
  - r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5); or
  - s. Felony battery that results in bodily injury;
- within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison





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sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in subparagraphs 1.a.-s. ~~(a)1.a.-r.~~ while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;



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69 c. For a felony of the second degree, by a term of  
70 imprisonment of 15 years; and

71 d. For a felony of the third degree, by a term of  
72 imprisonment of 5 years.

73 Section 4. For the purpose of incorporating the amendment  
74 made by this act to section 775.082, Florida Statutes, in  
75 references thereto, paragraph (a) of subsection (2), paragraph  
76 (g) of subsection (4), and subsections (8) and (10) of section  
77 775.261, Florida Statutes, are reenacted to read:

78 775.261 The Florida Career Offender Registration Act.—

79 (2) DEFINITIONS.—As used in this section, the term:

80 (a) "Career offender" means any person who is designated as  
81 a habitual violent felony offender, a violent career criminal,  
82 or a three-time violent felony offender under s. 775.084 or as a  
83 prison releasee reoffender under s. 775.082(9).

84 (4) REGISTRATION.—

85 (g) A career offender who indicates his or her intent to  
86 reside in a state or jurisdiction other than the State of  
87 Florida and later decides to remain in this state shall, within  
88 2 working days after the date upon which the career offender  
89 indicated he or she would leave this state, report in person to  
90 the sheriff or the department, whichever agency is the agency to  
91 which the career offender reported the intended change of  
92 residence, of his or her intent to remain in this state. If the  
93 sheriff is notified by the career offender that he or she  
94 intends to remain in this state, the sheriff shall promptly  
95 report this information to the department. A career offender who  
96 reports his or her intent to reside in a state or jurisdiction  
97 other than the State of Florida, but who remains in this state



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without reporting to the sheriff or the department in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) PENALTIES.—

(a) Except as otherwise specifically provided, a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or identification card; who fails to provide required location information or change-of-name information; 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.

(b) Any person who misuses public records information concerning a career offender, as defined in this section, or a career offender, as defined in s. 944.608 or s. 944.609, to secure a payment from such career offender; who knowingly distributes or publishes false information concerning such a career offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.



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775.083, for a person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section, to:

(a) Withhold information from, or fail to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section and, if known, the whereabouts of the career offender;

(b) Harbor or attempt to harbor, or assist another in harboring or attempting to harbor, the career offender;

(c) Conceal or attempt to conceal, or assist another in concealing or attempting to conceal, the career offender; or

(d) Provide information to the law enforcement agency regarding the career offender which the person knows to be false.

Section 5. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (bb) of subsection (2) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

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

(bb) "Prison releasee reoffender flag" means an indication that the defendant is a prison releasee reoffender as defined in s. 775.082 or any other statute.

Section 6. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a



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reference thereto, subsection (6) of section 903.011, Florida Statutes, is reenacted to read:

903.011 Pretrial release; general terms; statewide uniform bond schedule.—

(6) A person may not be released before his or her first appearance hearing or bail determination and a judge must determine the appropriate bail, if any, based on an individualized consideration of the criteria in s. 903.046(2), if the person meets any of the following criteria:

(a) The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state;

(b) The person was, at the time of arrest, designated as a sexual offender or sexual predator in this state or any other state;

(c) The person was arrested for violating a protective injunction;

(d) The person was, at the time of arrest, on release from supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731;

(e) The person has, at any time before the current arrest, been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

(f) The person has been arrested three or more times in the 6 months immediately preceding his or her arrest for the current offense; or

(g) The person's current offense of arrest is for one or more of the following crimes:



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- 185        1. A capital felony, life felony, felony of the first  
186 degree, or felony of the second degree;
- 187        2. A homicide under chapter 782; or any attempt,  
188 solicitation, or conspiracy to commit a homicide;
- 189        3. Assault in furtherance of a riot or an aggravated riot;  
190 felony battery; domestic battery by strangulation; domestic  
191 violence, as defined in s. 741.28; stalking; mob intimidation;  
192 assault or battery on a law enforcement officer; assault or  
193 battery on juvenile probation officer, or other staff of a  
194 detention center or commitment facility, or a staff member of a  
195 commitment facility, or health services personnel; assault or  
196 battery on a person 65 years of age or older; robbery; burglary;  
197 carjacking; or resisting an officer with violence;
- 198        4. Kidnapping, false imprisonment, human trafficking, or  
199 human smuggling;
- 200        5. Possession of a firearm or ammunition by a felon,  
201 violent career criminal, or person subject to an injunction  
202 against committing acts of domestic violence, stalking, or  
203 cyberstalking;
- 204        6. Sexual battery; indecent, lewd, or lascivious touching;  
205 exposure of sexual organs; incest; luring or enticing a child;  
206 or child pornography;
- 207        7. Abuse, neglect, or exploitation of an elderly person or  
208 disabled adult;
- 209        8. Child abuse or aggravated child abuse;
- 210        9. Arson; riot, aggravated riot, inciting a riot, or  
211 aggravated inciting a riot; or a burglary or theft during a  
212 riot;
- 213        10. Escape; tampering or retaliating against a witness,



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victim, or informant; destruction of evidence; or tampering with a jury;

11. Any offense committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang;

12. Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;

13. Racketeering; or

14. Failure to appear at required court proceedings while on bail.

Section 7. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;



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3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the





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community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

Section 8. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in references thereto, subsections (1) and (8) of section 944.608, Florida Statutes, are reenacted to read:

944.608 Notification to Department of Law Enforcement of information on career offenders.—



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(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of, a contractor-operated correctional facility, and who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(8) The failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, subsection (1) of section 944.609, Florida Statutes, is reenacted to read:

944.609 Career offenders; notification upon release.—

(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of a contractor-operated correctional facility, who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

Section 10. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraphs (a) and (b) of subsection (7) of



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section 944.705, Florida Statutes, are reenacted to read:

944.705 Release orientation program.—

(7)(a) The department shall notify every inmate in the inmate's release documents:

1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department; and

2. In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) This section does not preclude the sentencing of a person pursuant to s. 775.082(9), and evidence that the department failed to provide this notice does not prohibit a person from being sentenced pursuant to s. 775.082(9). The state is not required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

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

And the title is amended as follows:

Delete line 10

and insert:

in a reference thereto; amending s. 775.082, F.S.;



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revising the definition of "prison releasee reoffender" to include a defendant who commits or attempts to commit felony battery that results in bodily injury; reenacting ss. 775.261(2)(a), (4)(g), (8), and (10), 900.05(2)(bb), 903.011(6), 907.041 (5)(c), 944.608(1) and (8), 944.609(1), and 944.705(7)(a) and (b), F.S., relating to the Florida Career Offender Registration Act, the definition of the term "prison release reoffender flag," pretrial release, pretrial detention, notification to the Department of Law Enforcement of information on career offenders, notification upon release of certain career offenders, and inmate release documents, respectively, to incorporate the amendment made to s. 775.082, F.S., in references thereto; providing an effective date.

By Senator Leek

7-00342-26

2026436

A bill to be entitled

An act relating to felony battery; amending s. 784.03, F.S.; providing enhanced criminal penalties for persons who commit a second or subsequent battery after having a prior conviction for resisting an officer with violence; reenacting s. 943.0584(2), F.S., relating to criminal history records ineligible for court-ordered expunction or court-ordered sealing, to incorporate the amendment made to s. 784.03, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (2) of section 784.03, Florida Statutes, is amended to read:

784.03 Battery; felony battery.—

(2) A person who has one prior conviction for battery, aggravated battery, ~~or~~ felony battery, or resisting an officer with violence under s. 843.01 and who commits any second or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Section 2. For the purpose of incorporating the amendment made by this act to section 784.03, Florida Statutes, in a reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read:

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

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943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:

- (a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;
- (b) Illegal use of explosives, as defined in chapter 552;
- (c) Terrorism, as defined in s. 775.30;
- (d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;
- (e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;
- (f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);
- (g) Aggravated assault, as defined in s. 784.021;
- (h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in ss. 784.03, 784.041, and 784.045, respectively;
- (i) Stalking or aggravated stalking, as defined in s. 784.048;
- (j) Luring or enticing a child, as defined in s. 787.025;
- (k) Human trafficking, as defined in s. 787.06;
- (l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

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59 (m) Any offense defined in chapter 794;  
 60 (n) Procuring a person less than 18 years of age for  
 61 prostitution, as defined in former s. 796.03;  
 62 (o) Lewd or lascivious offenses committed upon or in the  
 63 presence of persons less than 16 years of age, as defined in s.  
 64 800.04;  
 65 (p) Arson, as defined in s. 806.01;  
 66 (q) Burglary of a dwelling, as defined in s. 810.02;  
 67 (r) Voyeurism or digital voyeurism, as defined in ss.  
 68 810.14 and 810.145, respectively;  
 69 (s) Robbery or robbery by sudden snatching, as defined in  
 70 ss. 812.13 and 812.131, respectively;  
 71 (t) Carjacking, as defined in s. 812.133;  
 72 (u) Home-invasion robbery, as defined in s. 812.135;  
 73 (v) A violation of the Florida Communications Fraud Act, as  
 74 provided in s. 817.034;  
 75 (w) Abuse of an elderly person or disabled adult, or  
 76 aggravated abuse of an elderly person or disabled adult, as  
 77 defined in s. 825.102;  
 78 (x) Lewd or lascivious offenses committed upon or in the  
 79 presence of an elderly person or disabled person, as defined in  
 80 s. 825.1025;  
 81 (y) Child abuse or aggravated child abuse, as defined in s.  
 82 827.03;  
 83 (z) Sexual performance by a child, as defined in s.  
 84 827.071;  
 85 (aa) Any offense defined in chapter 839;  
 86 (bb) Certain acts in connection with obscenity, as defined  
 87 in s. 847.0133;

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88 (cc) Any offense defined in s. 847.0135;  
 89 (dd) Selling or buying of minors, as defined in s.  
 90 847.0145;  
 91 (ee) Aircraft piracy, as defined in s. 860.16;  
 92 (ff) Manufacturing a controlled substance in violation of  
 93 chapter 893;  
 94 (gg) Drug trafficking, as defined in s. 893.135; or  
 95 (hh) Any violation specified as a predicate offense for  
 96 registration as a sexual predator pursuant to s. 775.21, or  
 97 sexual offender pursuant to s. 943.0435, without regard to  
 98 whether that offense alone is sufficient to require such  
 99 registration.  
 100 Section 3. This act shall take effect July 1, 2026.

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

## **SB 436 – Felony Battery (Identical HB 623)**

This bill amends s. 784.03, F.S., adding the following language to the Level 1, 3<sup>rd</sup> degree felony (new language in bold): “a person who has one prior conviction for battery, aggravated battery, felony battery, **or resisting an officer with violence under s. 843.01, F.S.** and who commits any second or subsequent battery...” This would impact those offenders currently charged with 1<sup>st</sup> degree misdemeanors for battery who had a prior conviction for resisting an officer with violence.

Per FDLE, in FY 24-25, there were 1,138 arrests for the 1<sup>st</sup> degree misdemeanor under s. 784.03, F.S., with 405 guilty/convicted charges and 70 adjudication withheld charges for those with a prior conviction or adjudication withheld under s. 843.01, F.S. Per DOC, the incarceration rate for this felony was between 11% and 15% over the last three fiscal years. This is higher than the incarceration rate for Level 1, 3<sup>rd</sup> degree felonies in general (9.7% in FY 24-25). However, even with the lowest incarceration rate the number of offenders that would be incarcerated would be above the threshold for significance (25 offenders in a fiscal year).

**EDR PROPOSED ESTIMATE: Positive Significant**

**Requested by: Senate**



The Florida Senate

## Committee Agenda Request

**To:** Senator Jonathan Martin, Chair  
Committee on Criminal Justice

**Subject:** Committee Agenda Request

**Date:** December 8, 2025

---

I respectfully request that **Senate Bill #436**, relating to Felony Battery, be placed on the:

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

Sincerely,

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

Sen. Tom Leek  
Florida Senator, District 7



The Florida Senate  
**APPEARANCE RECORD**

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

01/12/2026

Meeting Date

0436

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Molly Hudson

Phone

386 214 5536

Address

123 W. Endland Ave.

Email

mhudson@volusia-sheriff.gov

Street

City

Deland

State

FL

Zip

32720

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Volusia Sheriff's Office

☐

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

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

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

S-001 (08/10/2021)

January 12, 2026

The Florida Senate  
**APPEARANCE RECORD**

436

DUPLICATE

Meeting Date  
**Criminal Justice**

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **barney@barneybishop.com**  
**btbney@Ba3355@yahoo.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 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

1-12-2026

Meeting Date

436

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Bob Cortes

Phone

407.463.8257

Address

100 Eslinger Way

Email

bcortes@seminolesheriff.org

Street

Sanford

FL

32773

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:

Seminole County Sheriff's Office

☐

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

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

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 524

INTRODUCER: Senator Simon

SUBJECT: Department of Law Enforcement

DATE: January 9, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	<b>Favorable</b>
2.			ACJ	
3.			FP	

---

**I. Summary:**

SB 524 amends s. 406.02, F.S., to revise appointments and reappointments to the Medical Examiners Commission. The bill specifies that individuals appointed or reappointed by the Governor remain active until resignation, disqualification or a new member is appointed by the Governor.

Additionally, the Medical Examiners Commission must approve the appointment of medical examiners by a majority vote to fill vacancies.

The bill amends s. 406.06, F.S., to transfer the authority to appoint district medical examiners from the Governor to the Medical Examiners Commission.

The bill amends s. 943.11, F.S., to specify that Criminal Justice Standards and Training Commission (CJSTC) must act independently of any criminal justice agency. The CJSTC will continue to receive staff support from the Florida Department of Law Enforcement (FDLE).

The bill amends s. 943.1395, F.S., to revise the notification process for serving administrative complaints on a certified law enforcement, correctional, and correctional probation officer or instructor. The CJSTC staff must attempt notification via certified mail and via email, if possible. If proof of service is not provided, staff will attempt contact utilizing the last known telephone number and a notice to the licensee posted on the front page of the CJSTC's website.

The bill amends various sections of ch. 943, F.S., to provide that law enforcement officer curriculum is approved by the CJSTC not the FDLE.

The bill does not have a fiscal impact on state government. *See Section V., Fiscal Impact Statement.*

The bill takes effect July 1, 2026.

## **II. Present Situation:**

The FDLE provides statewide leadership, coordination, and administrative support for key public safety oversight bodies. The FDLE staffs and supports the CJSTC, which sets minimum employment and training standards for law enforcement, correctional, and correctional probation officers; administers certification and decertification processes; and oversees officer training curricula and compliance. The FDLE also staffs and supports the Medical Examiners Commission, which oversees Florida's district medical examiner system, promotes consistent medicolegal death investigation practices, and ensures statewide standards and accountability for death investigations.

### **Medical Examiners**

Florida medical examiners are local district officers appointed by the Governor to one of 25 medical examiner districts under ch. 406, F.S.<sup>1</sup> The Medical Examiners Act was enacted by the 1970 Legislature in order to establish minimum and uniform standards of excellence in statewide medical examiner services.<sup>2</sup>

#### ***Medical Examiners Commission***

Medical examiners are governed by the Medical Examiners Commission, which is administratively housed within the FDLE. The commission consists of nine members who serve four-year terms and are selected as follows:

- Two physicians licensed pursuant to ch. 458, F.S., or ch. 459, F.S., and who are active district medical examiners (appointed by the Governor);
- One member who is a funeral director licensed pursuant to ch. 497, F.S., (appointed by the Governor);
- One state attorney (appointed by the Governor);
- One public defender (appointed by the Governor);
- One sheriff (appointed by the Governor); and
- One county commissioner.
- The Attorney General or her or his designated representative.
- The State Surgeon General or her or his designated representative.<sup>3</sup>

#### ***District medical examiners***

District medical examiners are appointed by the Governor for each medical examiner district from nominees who are practicing physicians in pathology, whose nominations are submitted to the Governor by the Medical Examiners Commission. The term of office of each district medical examiner is 3 years. An appointment to fill a vacancy must be for the unexpired portion of the term.<sup>4</sup> Current law requires district medical examiners to determine the cause of death in certain

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<sup>1</sup> Section 406.06, F.S.

<sup>2</sup> Florida Department of Law Enforcement, *Medical Examiners Commission*, available at <https://www.fdle.state.fl.us/MEC/MEC-Home> (last visited January 6, 2026).

<sup>3</sup> Section 406.02, F.S.

<sup>4</sup> Section 406.06, F.S.

circumstances and to make any investigations, examinations, and autopsies necessary to make that determination as he or she shall deem necessary or as requested by the state attorney.<sup>5</sup>

### **Criminal Justice Standards and Training Commission (CJSTC)**

The CJSTC is established under s. 943.11, F.S. The CJSTC is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The CJSTC is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.<sup>6</sup>

An individual must be at least 19 years of age to become a certified law enforcement officer or a certified correctional probation officer and must be at least 18 years of age to become a certified correctional officer. Additionally, the individual must be a citizen of the United States, may not have been convicted of a felony or received a dishonorable discharge from the military, must pass a physical exam, and have good moral character as determined by a background investigation. Certification as a law enforcement officer or correctional officer requires a high school diploma or equivalent (GED). Certification as a correctional probation officer requires a bachelor's degree.<sup>7,8</sup>

### **Investigations of Law Enforcement Officers**

The CJSTC may initiate disciplinary action against a certified officer when there is a finding that the officer has failed to maintain compliance with statutory requirements, including good moral character standards<sup>9</sup> or other grounds for revocation.<sup>10</sup> An administrative complaint can be served after the CJSTC completes its investigation and a probable cause panel determines that sufficient grounds exist to proceed. The CJSTC is authorized to impose penalties such as revocation, suspension, probation, retraining, or reprimand in accordance with disciplinary guidelines adopted by rule.

Every law enforcement agency and correctional agency must establish and put into operation a system for the receipt, investigation, and determination of complaints received from any person. This must be the procedure for investigating a complaint against a law enforcement and correctional officer determining whether to proceed with disciplinary action or to file disciplinary charges.<sup>11</sup> When law enforcement or correctional agency personnel prepare an investigative report or summary, the person preparing the report must, at the time the report is

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<sup>5</sup> Section 406.11, F.S.

<sup>6</sup> Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited January 6, 2026).

<sup>7</sup> Florida Department of Law Enforcement, *Criminal Justice Professionalism Services Officer Requirements How To Become a Certified Officer in Florida*, <https://www.fdle.state.fl.us/cjstc/officer-requirements/how-to-become-an-officer> (last visited January 6, 2026).

<sup>8</sup> Section 943.1395, F.S.

<sup>9</sup> Section 943.1395(7), F.S.

<sup>10</sup> Section 943.13(4), F.S.

<sup>11</sup> Section s. 112.533, F.S.

completed verify that the contents are true and accurate based on the person's personal knowledge, information, and belief and include a specific statement.<sup>1213</sup>

### ***Officer Bill of Rights***

Law enforcement officers' and correctional officers' rights are outlined in the Florida Statutes, these are commonly referred to as, "law enforcement officers' bill of rights."<sup>14,15</sup> Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:<sup>16</sup>

- The interrogation must be conducted at a reasonable hour;
- The interrogation must take place either at the office of the command of the investigating officer or at the local precinct, police unit, or correctional unit in which the incident allegedly occurred;
- The officer under investigation must be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation must be asked by or through one interrogator during any one interrogation;
- The officer must be informed of the nature of the investigation before any interrogation begins, and must be informed of the names of all complainants;
- Interrogating sessions must be for reasonable periods and must be timed to allow for personal necessities and rest periods;
- The officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer questions;
- If the officer under interrogation is under arrest, or is likely to be placed under arrest, he or she must be completely informed of all his or her rights before commencing the interrogation; and
- At the request of the officer under investigation, he or she has the right to counsel, who must be present at all times during the interrogation.

Under the bill of rights, officers must receive notice of disciplinary action, a copy of and the opportunity to address contents of the investigative file. Any dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.<sup>17</sup> The contents of the complaint and investigation must remain confidential until such

---

<sup>12</sup> Section 112.533, F.S.

<sup>13</sup> Section 112.533(4)(a)2., F.S. "I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

<sup>14</sup> Section 112.532, F.S.

<sup>15</sup> Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under certain conditions. Section 112.532, F.S.

<sup>16</sup> Section 112.532(1), F.S.

<sup>17</sup> Section 112.532(4)(a), F.S.

time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.<sup>18</sup>

No law enforcement officer or correctional officer may be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.<sup>19</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 406.02, F.S., to revise appointments and reappointments to the Medical Examiners Commission. The bill specifies that individuals appointed or reappointed by the Governor remain active until resignation, disqualification or a new member is appointed by the Governor.

Additionally, the Medical Examiners Commission must approve the appointment of medical examiners by a majority vote to fill vacancies.

The bill amends s. 406.06, F.S., to transfer the authority to appoint district medical examiners from the Governor to the Medical Examiners Commission.

The bill amends s. 943.11, F.S., to specify that Criminal Justice Standards and Training Commission (CJSTC) must act independently of any criminal justice agency. The CJSTC will continue to receive staff support from the Florida Department of Law Enforcement (FDLE).

The bill amends s. 943.1395, F.S., to revise the notification process for serving administrative complaints on a certified law enforcement, correctional, and correctional probation officer or instructor. The CJSTC staff must attempt notification via certified mail and via email, if possible. If proof of service is not provided, staff will attempt contact utilizing the last known telephone number and a notice to the licensee posted on the front page of the CJSTC's website.

The bill amends various sections of ch. 943, F.S., to provide that law enforcement officer curriculum is approved by the CJSTC not the FDLE.

### **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.

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<sup>18</sup> Section 112.532(4)(b), F.S.

<sup>19</sup> Section 112.532(5), F.S.



**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The FDLE has not indicated a fiscal impact.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 406.02, 406.06, 943.11, 943.1395, 943.1726, 943.17261, 943.1727, 943.17299

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<sup>20</sup> Florida Department of Law Enforcement, *2026 Agency Analysis - SB 524 Department of Law Enforcement*, (on file with the Senate Committee on Criminal Justice).

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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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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By Senator Simon

3-00680-26

2026524\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Law Enforcement;  
 3 amending s. 406.02, F.S.; specifying the circumstances  
 4 under which an appointment or reappointment to the  
 5 Medical Examiners Commission is considered in force;  
 6 requiring the commission to approve the appointment of  
 7 district medical examiners by a majority vote to fill  
 8 vacancies; amending s. 406.06, F.S.; requiring the  
 9 commission, rather than the Governor, to appoint  
 10 district medical examiners for each medical examiner  
 11 district; specifying that upon approval by the  
 12 commission, rather than by the Governor, a physician  
 13 member of the commission is eligible to serve as a  
 14 district medical examiner; amending s. 943.11, F.S.;  
 15 requiring the Criminal Justice Professionalism Program  
 16 to provide staff support to the Criminal Justice  
 17 Standards and Training Commission; requiring the  
 18 commission to act independently of any criminal  
 19 justice agency; amending s. 943.1395, F.S.; requiring  
 20 commission staff to provide service by certified mail  
 21 to a certain licensee's last known address of record  
 22 and, if possible, by e-mail; requiring commission  
 23 staff to take specified action if the person providing  
 24 service does not provide commission staff with proof  
 25 of service; amending ss. 943.1726, 943.17261,  
 26 943.1727, and 943.17299, F.S.; requiring the  
 27 commission, rather than the Department of Law  
 28 Enforcement, to establish or develop specified  
 29 training components or courses; providing an effective

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

3-00680-26

2026524\_\_

30 date.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Subsections (2) and (4) of section 406.02,  
 35 Florida Statutes, are amended to read:  
 36 406.02 Medical Examiners Commission; membership; terms;  
 37 duties; staff.—  
 38 (2) The term of office of the physicians appointed to the  
 39 commission shall be 4 years. The term of office of the state  
 40 attorney, public defender, sheriff, and county commissioner each  
 41 shall be 4 years unless she or he leaves that office sooner, in  
 42 which case her or his appointment will terminate. The term of  
 43 office of the funeral director shall be 4 years. Upon the  
 44 expiration of the present terms of office, the Governor shall  
 45 appoint two members for terms of 4 years, two members for terms  
 46 of 3 years, two members for terms of 2 years, and one member for  
 47 a term of 1 year. An appointment to fill a vacancy shall be for  
 48 the unexpired portion of the term. An appointment or  
 49 reappointment is considered in force until the appointee  
 50 resigns, the appointee is no longer qualified for the position,  
 51 or the Governor appoints a new member.  
 52 (4) The Medical Examiners Commission shall:  
 53 (a) Initiate cooperative policies with any agency of the  
 54 state or political subdivision thereof.  
 55 (b) Approve the appointment of district medical examiners  
 56 by a majority vote to fill vacancies.  
 57 (c) Remove or suspend district medical examiners pursuant  
 58 to this act and have the authority to investigate violations of

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59 this act.

60 ~~(d)(e)~~ Oversee the distribution of state funds for the  
61 medical examiner districts and may make such agreements and  
62 contracts, subject to approval of the executive director of the  
63 Department of Law Enforcement, as may be necessary to effect the  
64 provisions of this chapter.

65 Section 2. Subsection (1) of section 406.06, Florida  
66 Statutes, is amended to read:

67 406.06 District medical examiners; associates; suspension  
68 of medical examiners.—

69 (1) (a) ~~A district medical examiner shall be appointed by~~  
70 The Medical Examiners Commission shall appoint a district  
71 medical examiner, who must be a practicing physician in  
72 pathology, Governor for each medical examiner district ~~from~~  
73 ~~nominees who are practicing physicians in pathology, whose~~  
74 ~~nominations are submitted to the Governor by the Medical~~  
75 ~~Examiners Commission.~~ The term of office of each district  
76 medical examiner shall be 3 years. An appointment to fill a  
77 vacancy shall be for the unexpired portion of the term.

78 (b) A physician member of the Medical Examiners Commission  
79 ~~is shall be~~ eligible to serve as a district medical examiner  
80 upon approval by the Medical Examiners Commission Governor.

81 Section 3. Paragraph (a) of subsection (1) of section  
82 943.11, Florida Statutes, is amended to read:

83 943.11 Criminal Justice Standards and Training Commission;  
84 membership; meetings; compensation.—

85 (1) (a) There is created a Criminal Justice Standards and  
86 Training Commission within the Department of Law Enforcement.  
87 The Criminal Justice Professionalism Program shall provide staff

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88 support to the commission as authorized in s. 943.09; however,  
89 the commission must act independently of any criminal justice  
90 agency. The commission shall be composed of 19 members,  
91 consisting of the Secretary of Corrections or a designated  
92 assistant; the Attorney General or a designee; the Director of  
93 the Division of the Florida Highway Patrol; and 16 members  
94 appointed by the Governor, consisting of 3 sheriffs; 3 chiefs of  
95 police; 5 law enforcement officers who are of the rank of  
96 sergeant or below within the employing agency; 2 correctional  
97 officers, 1 of whom is an administrator of a state correctional  
98 institution and 1 of whom is of the rank of sergeant or below  
99 within the employing agency; 1 training center director; 1  
100 person who is in charge of a county correctional institution;  
101 and 1 resident of the state who falls into none of the foregoing  
102 classifications. Prior to the appointment, the sheriff, chief of  
103 police, law enforcement officer, and correctional officer  
104 members must have had at least 4 years' experience as law  
105 enforcement officers or correctional officers.

106 Section 4. Present subsection (10) of section 943.1395,  
107 Florida Statutes, is redesignated as subsection (11), and a new  
108 subsection (10) is added to that section, to read:

109 943.1395 Certification for employment or appointment;  
110 concurrent certification; reemployment or reappointment;  
111 inactive status; revocation; suspension; investigation.—

112 (10) Notwithstanding s. 120.60(5), if an administrative  
113 complaint is served on a certified law enforcement officer, a  
114 correctional officer, a correctional probation officer, or an  
115 instructor, commission staff must provide service by certified  
116 mail to the licensee's last known address of record and, if

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possible, by e-mail. If the person providing service does not provide commission staff with proof of service, commission staff must call the last known telephone number of record and cause a short, plain notice to the licensee to be posted on the front page of the commission's website.

Section 5. Section 943.1726, Florida Statutes, is amended to read:

943.1726 Continued employment training relating to diabetic emergencies.—The commission ~~department~~ shall establish an online continued employment training component relating to diabetic emergencies. The training component shall include, but need not be limited to, instruction on the recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135.

Section 6. Section 943.17261, Florida Statutes, is amended to read:

943.17261 ~~Department of Law Enforcement,~~ Training related to medical use of marijuana.—The commission ~~Department of Law Enforcement~~ shall develop a 4-hour online initial training course, and a 2-hour online continuing education course, which shall be made available for use by all law enforcement agencies in this state. Such training shall cover the legal parameters of marijuana-related activities governed by ss. 381.986 and 381.988 relating to criminal laws governing marijuana.

Section 7. Section 943.1727, Florida Statutes, is amended

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to read:

943.1727 Continued employment training relating to autism spectrum disorder.—The commission ~~department~~ shall establish a continued employment training component relating to autism spectrum disorder as defined in s. 627.6686. The training component shall include, but need not be limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to an individual exhibiting such symptoms and characteristics. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135.

Section 8. Section 943.17299, Florida Statutes, is amended to read:

943.17299 Continued employment training relating to Alzheimer's disease and related forms of dementia.—The commission ~~department~~ shall establish an online, continued employment training component relating to Alzheimer's disease and related forms of dementia. The training component must be developed in consultation with the Department of Elder Affairs and must include, but need not be limited to, instruction on interacting with persons with Alzheimer's disease or a related form of dementia, including instruction on techniques for recognizing behavioral symptoms and characteristics, effective communication, employing the use of alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation. Completion of the training component may count toward the 40 hours of instruction for continued employment or

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2026524

175 appointment as a law enforcement officer, correctional officer,  
176 or correctional probation officer required under s. 943.135.  
177 Section 9. This act shall take effect July 1, 2026.



# 2026 FDLE LEGISLATIVE BILL ANALYSIS



## BILL INFORMATION

<b>BILL NUMBER:</b>	SB 524
<b>BILL TITLE:</b>	Department of Law Enforcement
<b>BILL SPONSOR:</b>	Senator Simon
<b>EFFECTIVE DATE:</b>	July 1, 2026

## COMMITTEES OF REFERENCE

- 1) Senate Criminal Justice
- 2) Senate Appropriations Committee on Criminal and Civil Justice
- 3) Senate Fiscal Policy
- 4)
- 5)

## CURRENT COMMITTEE

## SIMILAR BILLS

**BILL NUMBER:**

**SPONSOR:**

## IDENTICAL BILLS

**BILL NUMBER:**

**SPONSOR:**

## PREVIOUS LEGISLATION

**BILL NUMBER:**

**SPONSOR:**

**YEAR:**

**LAST ACTION:**

**Is this bill part of an agency package?**

Yes

## BILL ANALYSIS INFORMATION

<b>DATE OF ANALYSIS:</b>	January 7, 2026
<b>LEAD AGENCY ANALYST:</b>	Chad Brown
<b>ADDITIONAL ANALYST(S):</b>	Brett Kirkland, Glen Hopkins, Ashley Pennington
<b>LEGAL ANALYST:</b>	Natalie Bielby
<b>FISCAL ANALYST:</b>	Elizabeth Martin

## POLICY ANALYSIS

### 1. EXECUTIVE SUMMARY

The bill transfers the authority to appoint district medical examiners (DMEs) from the Governor to the Medical Examiners Commission (MEC). The bill provides that MEC appointments and reappointments remain in force until the appointee resigns, is no longer qualified, or is replaced by the Governor. The bill amends the notification process for serving administrative complaints on a certified law enforcement officer, correctional officer, correctional probation officer, or instructor. The bill clarifies that the Criminal Justice Standards and Training Commission (CJSTC) must act independent of any criminal justice agency. The bill also clarifies that law enforcement curriculum is approved by the CJSTC, not the department. The bill takes effect July 1, 2026.

### 2. SUBSTANTIVE BILL ANALYSIS

#### 1. PRESENT SITUATION:

The MEC is currently composed of nine members, seven of which are appointed by the Governor. The Governor also appoints the 25 DMEs from nominees, as submitted by the MEC, who are practicing physicians in pathology. Physician members of the MEC may serve as a DME upon approval by the Governor. Appointees may only serve for the duration of their authorized terms. As of July 2025, 24 of the 25 DMEs were pending either initial appointment or reappointment, except the District 23 Medical Examiner, which was the last gubernatorial appointment in 2023 and will be pending reappointment in 2026.

The CJSTC was created within the department and is enshrined in statute. However, some statutes declare that the department is responsible for certain criminal justice training while other statutes empower the CJSTC to be responsible for criminal justice training and certification, along with the establishment of standards and curricula. This disagreement and inconsistency in statute causes misunderstanding of roles and responsibilities.

Section 120.60(5), F.S., outlines the due process requirements of licensing bodies when issuing an administrative complaint to a licensee who holds a professional license. This statute states in part that “when personal service cannot be made and the certified mail notice is returned undelivered, the agency shall cause a short, plain notice to the licensee to be published once each week for four consecutive weeks in a newspaper published in the county of the licensee’s last known address as it appears on the records of the agency. If no newspaper is published in that county, the notice may be published in a newspaper of general circulation in that county.” The department spends an average of \$8,800 per year to advertise in newspapers with no history of successfully reaching the individual sought.

#### 2. EFFECT OF THE BILL:

##### Section 1.

The bill amends s. 406.02, F.S., to expand the duties of the MEC to include appointing DMEs by a majority vote. The bill also specifies that Gubernatorial appointments and reappointments to the MEC remain in effect until the appointee resigns, is no longer qualified, or is replaced by the Governor.

##### Section 2

The bill amends s. 406.06, F.S., to transfer the authority to appoint DMEs from the Governor to the MEC. The bill also transfers the authority to approve an eligible commission member to serve as a DME from the Governor to the MEC.

##### Section 3

The bill amends s. 943.11, F.S., to clarify that the CJSTC must act independently of any criminal justice agency.

##### Section 4.

The bill amends s. 943.1395, F.S., to change the notification process for serving administrative complaints on a certified law enforcement officer, correctional officer, correctional probation officer, or instructor. The bill requires CJSTC staff to attempt notification via certified mail and via email, if possible. If proof of service is not provided, staff must attempt to contact by utilizing the last known telephone number of the officer or instructor and post a notice to the certificate holder on the front page of the CJSTC’s website.

##### Section 5-8.

The bill amends ss. 943.1726, 943.17261, 943.1727, and 943.17299, F.S., to clarify that the CJSTC, rather than the department, must establish the specified trainings.

##### Section 9.

The bill takes effect July 1, 2026.



**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:	Medical Examiners Commission
Board Purpose:	The MEC oversees and regulates the state's medical examiner system to ensure consistent, professional, and lawful investigation of deaths.
Who Appoints:	The MEC is composed of nine members, seven of which are appointed by the Governor.
Appointee Term:	The term of office of the physicians appointed to the commission is four years. The term of office of the state attorney, public defender, sheriff, and county commissioner each shall be four years unless she or he leaves that office sooner. The term of office of the funeral director is four years.
Changes:	The bill amends s. 406.02, F.S., to expand the duties of the MEC to include appointing DMEs by a majority vote. The bill also specifies that Gubernatorial appointments and reappointments to the MEC remain in effect until the appointee resigns, is no longer qualified, or is replaced by the Governor. The bill amends s. 406.06, F.S., to transfer the authority to appoint DMEs from the Governor to the MEC. The bill also transfers the authority to approve an eligible commission member to serve as a DME from the Governor to the MEC.
Bill Section Number(s):	Sections 1 and 2

**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.	
--	--

### 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.	
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### LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	N/A.
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### ADDITIONAL COMMENTS

01/12/2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB 524

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Will Grissom**

Phone **850-410-7000**

Address **2331 Phillips Rd**

Email **williamgrissom@fdle.state.fl.us**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Florida Department of Law  
Enforcement**

☐

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

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

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

S-001 (08/10/2021)

**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.)

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

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BILL: CS/SB 536

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Criminal Gang Members

DATE: January 13, 2026

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 536 amends s. 874.03, F.S., to modify the definition of a “criminal gang member” as it pertains to criminal investigations, charges against suspected gang members, and the sentencing of criminal gang members, and creates a definition for the term “gang-related language”.

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

The bill takes effect on July 1, 2026.

**II. Present Situation:**

**Recent Criminal Gang Activity in Florida**

Following a multi-year investigation, 10 suspected senior members of a violent, criminal enterprise were arrested in May 2025, on charges related to racketeering that include underlying offenses of conspiracy to commit homicide, directing activities of a criminal gang and money laundering. Additionally, detectives discovered a kill list of the gang members’ intended victims and notified them before the crimes occurred. Arrest warrants were filed in March, and in April, a coordinated and sweeping statewide operation resulted in 10 arrests.<sup>1</sup>

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<sup>1</sup> Broward County Sheriff’s Office, *Investigation Topples Leadership of Notorious Sex, Money, Murder Blood Gang*, reported by Miranda Grossman/PIO 5/2/2025 1400; available at <https://www.sheriff.org/PIO/BSOnews/Pages/BSO->

The Polk County Sheriff's Office arrested five men for organized theft crimes that they say also had ties to the Venezuelan gang Tren De Aragua. The five men are all accused of trying to steal about \$3,200 in liquor from a Sam's Club store in north Lakeland. All of the men are linked to over three dozen retail thefts across the area, according to the sheriff's office. The robbery charges have been upgraded to a first-degree felony because the sheriff's office says two of the men are known members of the Tren De Aragua gang, and the other three are associates. The suspects are believed to be linked to over 3 dozen retail thefts across the central part of Florida.<sup>2</sup>

### **Criminal Gangs**

"Criminal gang"<sup>3</sup> means a formal or informal ongoing organization, association, or group<sup>4</sup> that has as one of its primary activities<sup>5</sup> the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols, including, but not limited to, terrorist organizations,<sup>6</sup> transnational crime organizations,<sup>7</sup> and hate groups<sup>8</sup>.

A "criminal gang associate"<sup>9</sup> is a person who:

- Admits to criminal gang association; or
- Meets any single defining criterion for criminal gang membership.<sup>10</sup>

A "criminal gang member" is 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.

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[INVESTIGATION-TOPPLES-LEADERSHIP-OF-NOTORIOUS-SEX,-MONEY,-MURDER-BLOOD-GANG-.aspx](#)? (last visited January 6, 2026).

<sup>2</sup> News 6, *Robbery Suspects Were Linked to Venezuelan Gang, Polk County Sheriff Says*, Christie Zizo, April 18, 2025; available at <https://www.clickorlando.com/news/local/2025/04/18/5-robbery-suspects-were-linked-to-venezuelan-gang-polk-county-sheriff-says/> (last visited January 6, 2026).

<sup>3</sup> Section 874.03(1), F.S.

<sup>4</sup> "Ongoing" means that the organization was in existence during the time period charged in a petition, information, indictment, or action for civil injunctive relief. s. 874.03(1)(a), F.S.

<sup>5</sup> "Primary activities" means that a criminal gang spends a substantial amount of time engaged in such activity, although such activity need not be the only, or even the most important, activity in which the criminal gang engages. s. 874.03(1)(b), F.S.

<sup>6</sup> "Terrorist organization" means any organized group engaged in or organized for the purpose of engaging in terrorism as defined in s. 775.30, F.S. This definition shall not be construed to prevent prosecution under this chapter of individuals acting alone. s. 874.03(7), F.S.

<sup>7</sup> "Transnational crime organization" means any group, network, or association of persons, at least one of which is an unauthorized alien as defined in s. 908.111, F.S., that routinely facilitates the international trafficking of drugs, humans, or weapons or the international smuggling of humans. s. 874.03(8), F.S.

<sup>8</sup> "Hate group" means an organization whose primary purpose is to promote animosity, hostility, and malice against a person or persons or against the property of a person or persons because of race, religion, disability, sexual orientation, ethnicity, or national origin. s. 874.03(6), F.S.

<sup>9</sup> Section 874.03(2), F.S.

<sup>10</sup> Section s. 874.03(3), F.S.

- 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 listed above, each of those criteria has thereby been satisfied for the purposes of the statute.<sup>11</sup>

A person who intentionally causes, encourages, solicits, or recruits another person to become a criminal gang member where a condition of membership or continued membership is the commission of any crime commits a third degree felony.<sup>12</sup> It is a second degree felony for a person to commit this crime if the person recruited to become a gang member is *under the age of 13* and where a condition of membership or continued membership is the commission of any crime.<sup>13</sup> Enhanced penalties are provided for second or subsequent offenses.

All profits, proceeds, and instrumentalities of criminal gang activity or criminal gang recruitment and all property used or intended or attempted to be used to facilitate the criminal activity of any criminal gang, criminal gang member, or criminal gang recruitment, are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act<sup>14</sup>

Any person who knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity commits a first degree felony.<sup>15</sup> “Criminal gang-related activity” is an activity:

- Committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person’s own standing or position within a criminal gang;
- In which the participants are identified as criminal gang members or criminal gang associates acting individually or collectively to further any criminal purpose of the gang;
- That is defined as criminal gang activity by a documented reliable informant; or
- That is identified as criminal gang activity by an informant of previously untested reliability and such identification is corroborated by independent information.<sup>16</sup>

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<sup>11</sup> Section 874.03(3)(a)-(k), F.S.

<sup>12</sup> Section 874.05(1)(a), F.S., A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine., ss. 775.082 and s. 775.083, F.S.

<sup>13</sup> Section 874.05(2)(a), F.S., A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082 and s. 775.03, F.S.

<sup>14</sup> Section 932.704, F.S.

<sup>15</sup> Section 874.10, F.S.; A first degree felony is punishable by imprisonment for a term of years not exceeding 30 years and up to a \$10,000 fine. ss. 775.082, 775.083, and 775.084, F.S.

<sup>16</sup> Section 874.03(4)(a)-(d), F.S.

- That is identified as criminal gang activity by an informant of previously untested reliability and such identification is corroborated by independent information.<sup>17</sup>

Any person possessing or manufacturing any blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued identification document for the purpose of benefiting, promoting, or furthering the interests of a criminal gang commits a second degree felony.<sup>18</sup>

### Enhanced Penalties

Section 874.04, F.S., provides for enhanced penalties for a crime committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.<sup>19</sup> If the factfinder determines beyond a reasonable doubt that the defendant committed the offense charged for the purpose of benefiting, promoting, or furthering the interests of a criminal gang, the penalty may be enhanced to the penalty of a crime one degree higher than that committed.

### III. Effect of Proposed Changes:

The bill amends s. 874.03(4), F.S., to revise the definition of a criminal gang member as it pertains to criminal investigations of or charges brought against suspected gang members. Although the defendant charged with a criminal offense does not necessarily *have* to meet the criminal gang member definition to be *charged* with any criminal offense, meeting the definition does often provide enhanced penalties for a criminal conviction.<sup>20</sup>

The definition of a “criminal gang member,” including the list of criteria, is amended to mean a person who meets two or more specified criteria. Criteria added or amended by the bill includes that the person:

- *Admits in person or on an online platform or social media that he or she is a criminal gang member.*
- *Is identified or claimed by a criminal gang as one of its members.*
- *Is identified as a criminal gang member by a parent, guardian, or spouse living with the person.*
- *Is identified as a criminal gang member by a documented reliable informant.*
- *Has been observed in the company of one or more known criminal gang members two 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 gang affiliation or gang activity or accepting responsibility for the commission of any crime by a criminal gang member.*
- *Uses gang-related language on an online platform or social media.*

<sup>17</sup> Section 874.03(4)(a)-(d), F.S.

<sup>18</sup> Section 874.12, F.S.; A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082 and s. 775.03, F.S.

<sup>19</sup> Section 874.04, F.S.; “Enhanced penalties” means that a misdemeanor of the second degree may be punished *as if it were* a misdemeanor of the first degree; a misdemeanor of the first degree may be punished *as if it were* a felony of the third degree; a felony of the third degree may be punished *as if it were* a felony of the second degree; a felony of the second degree may be punished *as if it were* a felony of the first degree; and a felony of the first degree may be punished *as if it were* a life felony.

<sup>20</sup> See ss. 874.04, 874.05, F.S., and s. 921.0024(1)(b), F.S.

The bill creates a definition of the term “gang-related language” in s. 874.03(3), F.S. “Gang-related language” is any verbal or written statement that signals gang affiliation, supports gang activity, or uses recognized gang codes, symbols, or terminology associated with criminal organizations. Written statements include any digital or electronic statements, including statements made on any online platform or social media.

The bill takes effect on July 1, 2026.

#### **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., 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 amends s. 874.03, F.S., expanding the definition of a “criminal gang member” in multiple ways that creates additional witnesses and social media evidence, as well as reducing the number of times the person has to be observed in the company of one or more known criminal gang members from four or more to two or more. This would



impact the multiple felonies listed under Ch. 874, F.S., including penalty enhancements for certain crimes as a criminal gang member under s. 874.04, F.S. (1st degree misdemeanor to 3rd degree felony, 3rd degree felony to 2nd degree felony, etc.). Furthermore, it would impact the Level 7, 1st degree felony (punishable by life) for someone possessing a weapon who qualifies for these penalty enhancements (s. 790.23(4), F.S.) and the Level 1, 3rd degree felony for registration of convicted felons (s. 775.13(4)(b), F.S.). This expansion in the definition could increase the pool of future offenders charged with these felonies. Finally, this expanded pool could impact the aggravating factor where a criminal gang member committed a capital felony and thus increase the number of death sentences that might currently be life sentences.<sup>21</sup>

Per FDLE, there were no arrests or convictions/adjudications withheld under s. 874.04, F.S. in FY 24-25. Per DOC, in FY 24-25, there were no new commitments under s. 874.04, F.S. The lack of data is likely due to the statute enhancing other offenses, so the number of offenders is not known. Per FDLE, for the remaining felonies under Ch. 874, F.S., in FY 24-25, there were 15 arrests and no convictions/adjudications withheld. Per DOC, there was one new commitment in FY 24-25. Furthermore, there were 6 new commitments for possessing a weapon as a convicted felon (s. 790.23(4), F.S.) and one for registration of a convicted felon (s. 775.13(4)(b), F.S.).<sup>22</sup>

Per DOC, 5 inmates were admitted to the prison system in FY 24-25 with a death sentence and 469 inmates were admitted with a life sentence. For those admitted with a death sentence, one was listed as a gang member, and for those admitted with life sentences, 67 were listed as gang members and 25 were listed as associates. It is not known how many of these life sentences were given instead of a death sentence. Furthermore, those inmates executed in FY 24-25 averaged 27 years in prison, with the shortest time between initial incarceration and execution being 22 years. Assuming that future inmates on death row would have similar time in prison, any impact on prison beds should not be felt for at least a decade and would have no impact within the forecast window.<sup>23</sup>

Although, few offenders are currently arriving as new commitments for most felonies impacted by this bill, it is not known how many are impacted by the penalty enhancements under s. 874.04, F.S. Therefore, the magnitude of the impact cannot be quantified.<sup>24</sup>

The proposed estimate by the Office of Economic and Demographic Research as reported on January 12, 2026, is Positive Indeterminate, meaning the bill could have a positive indeterminate prison bed impact.<sup>25</sup>

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<sup>21</sup> Office of Economic and Demographic Research, email sent to Senate Criminal Justice Committee, Preliminary Estimate. January 12, 2026; (*on file with the Senate Criminal Justice Committee*).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 874.03, 823.05, 921.141, 951.23.

**IX. Additional Information:**

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

**CS by Criminal Justice on January 12, 2026**

The Committee Substitute:

- Changes the definition of the term “criminal gang member” to provide that a person must meet two or more criteria to be considered a gang member and revises such criteria.
- Provides a definition for the term “gang-related language.”

- B. **Amendments:**

None.



556058

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete lines 15 - 46  
and insert:

(3) "Gang-related language" is any verbal or written statement that signals gang affiliation, supports gang activity, or uses recognized gang codes, symbols, or terminology associated with criminal organizations. Written statements include any digital or electronic statements, including statements made on any online platform or social media.



556058

11        (4) "Criminal gang member" means ~~is~~ a person who meets two  
12 or more of the following criteria:

13        (a) Admits in person or on an online platform or social  
14 media that he or she is a criminal gang member.

15        (b) ~~(a)~~ Is identified or claimed by a ~~Admits to~~ criminal  
16 gang as one of its members ~~membership.~~

17        (c) ~~(b)~~ Is identified as a criminal gang member by a parent,  
18 or guardian, or spouse living with the person.

19        (d) ~~(c)~~ Is identified as a criminal gang member by a  
20 documented reliable informant.

21        (e) ~~(d)~~ Adopts the style of dress of a criminal gang.

22        (f) ~~(e)~~ Adopts the use of a hand sign identified as used by  
23 a criminal gang.

24        (g) ~~(f)~~ Has a tattoo identified as used by a criminal gang.

25        (h) ~~(g)~~ Associates with one or more known criminal gang  
26 members.

27        (i) ~~(h)~~ Is identified as a criminal gang member by an  
28 informant of previously untested reliability and such  
29 identification is corroborated by independent information.

30        (j) ~~(i)~~ Is identified as a criminal gang member by physical  
31 evidence.

32        (k) ~~(j)~~ Has been observed in the company of one or more  
33 known criminal gang members two ~~four~~ or more times. Observation  
34 in a custodial setting requires a willful association. It is the  
35 intent of the Legislature to allow this criterion to be used to  
36 identify gang members who recruit and organize in jails,  
37 prisons, and other detention settings.

38        (l) ~~(k)~~ Has authored any communication indicating gang  
39 affiliation or gang activity or accepting responsibility for the



556058

commission of any crime by a ~~the~~ criminal gang member.

(m) Uses gang-related language on an online platform or  
social media.

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

And the title is amended as follows:

Delete line 3

and insert:

874.03, F.S.; defining "gang-related language";  
revising the definition of the term

By Senator Martin

33-00605A-26

2026536\_\_

A bill to be entitled

An act relating to criminal gang members; amending s. 874.03, F.S.; revising the definition of the term "criminal gang member"; reenacting ss. 823.05(2)(a), 921.141(6)(n), and 951.23(11), F.S., all relating to the definition of the term "criminal gang member", to incorporate the amendment made to s. 874.03, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (3) of section 874.03, Florida Statutes, is amended to read:

874.03 Definitions.—As used in this chapter:

(3) "Criminal gang member" means is a person who either admits in person or on social media to criminal gang membership or who meets two or more of the following criteria:

(a) Is identified or claimed by a ~~Admits to~~ criminal gang as one of its members ~~membership~~.

(b) Is identified as a criminal gang member by a parent, or guardian, or spouse living with the person. ~~or~~

(c) Is identified as a criminal gang member by a law enforcement officer or a documented reliable informant.

(d) Adopts the style of dress of a criminal gang.

(e) Adopts the use of a hand sign identified as used by a criminal gang.

(f) Has a tattoo identified as used by a criminal gang.

(g) Associates with one or more known criminal gang members.

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

33-00605A-26

2026536\_\_

(h) Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information.

(i) Is identified as a criminal gang member by physical evidence.

(j) Has been observed in the company of one or more known criminal gang members two ~~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.

(k) Has authored any communication indicating gang affiliation or gang activity or accepting responsibility for the commission of any crime by the criminal gang. Meeting the criteria of this paragraph replaces the need for a standard field interview.

(l) Using gang-related language on social media.

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 this subsection ~~the statute~~.

Section 2. For the purpose of incorporating the amendment made by this act to section 874.03, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 823.05, Florida Statutes, is reenacted to read:

823.05 Places and groups engaged in certain activities declared a nuisance; abatement and enjoinder.—

(2)(a) As used in this subsection, the terms "criminal

Page 2 of 3

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

33-00605A-26

2026536

gang," "criminal gang member," "criminal gang associate," and  
"criminal gang-related activity" have the same meanings as  
provided in s. 874.03.

Section 3. For the purpose of incorporating the amendment  
made by this act to section 874.03, Florida Statutes, in a  
reference thereto, paragraph (n) of subsection (6) of section  
921.141, Florida Statutes, is reenacted 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:

(n) The capital felony was committed by a criminal gang  
member, as defined in s. 874.03.

Section 4. For the purpose of incorporating the amendment  
made by this act to section 874.03, Florida Statutes, in a  
reference thereto, subsection (11) of section 951.23, Florida  
Statutes, is reenacted to read:

951.23 County and municipal detention facilities;  
definitions; administration; standards and requirements.—

(11) GANG STATUS OF INMATES.—A county or municipal  
detention facility may designate an individual to be responsible  
for assessing whether each current inmate is a criminal gang  
member or associate using the criteria in s. 874.03. The  
individual should at least once biweekly transmit information on  
inmates believed to be criminal gang members or associates to  
the arresting law enforcement agency.

Section 5. This act shall take effect July 1, 2026.

The Florida Senate

**APPEARANCE RECORD**

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

Jan 12, 2020

Meeting Date

Criminal Justice

Committee

SB 536

Bill Number or Topic

556058

Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850 728 6387

Address 730 East Park Ave  
Street

Email erinballas@paconsultants.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Miami Dade  
Sheriff office

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

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

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

S-001 (08/10/2021)



January 12, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate  
**APPEARANCE RECORD**

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536

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

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Email **barney@barneybishop.com**  
**btbney@Ba3355@yahoo.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 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)

Jan 12, 2026

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Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

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SB 536

Bill Number or Topic

Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850 728 6387

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Tallahassee

City

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State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Miami Dade  
sheriff office

☐ 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)

## **SB 536 – Criminal Gang Members**

This bill amends s. 874.03, F.S., expanding the definition of a “criminal gang member” in multiple ways that creates additional witnesses and social media evidence, as well as reducing the number of times the person has to be observed in the company of one or more known criminal gang members from four or more to two or more. This would impact the multiple felonies listed under Chapter 874, including penalty enhancements for certain crimes as a criminal gang member under s. 874.04, F.S. (1<sup>st</sup> degree misdemeanor to 3<sup>rd</sup> degree felony, 3<sup>rd</sup> degree felony to 2<sup>nd</sup> degree felony, etc.). Furthermore, it would impact the Level 7, 1<sup>st</sup> degree felony (punishable by life) for someone possessing a weapon who qualifies for these penalty enhancements (s. 790.23(4), F.S.) and the Level 1, 3<sup>rd</sup> degree felony for registration of convicted felons (s. 775.13(4)(b), F.S.). This expansion in the definition could increase the pool of future offenders charged with these felonies. Finally, this expanded pool could impact the aggravating factor where a criminal gang member committed a capital felony, and thus increase the number of death sentences that might currently be life sentences.

Per FDLE, there were no arrests or convictions/adjudications withheld under s. 874.04, F.S. in FY 24-25. Per DOC, in FY 24-25, there were no new commitments under s. 874.04, F.S. The lack of data is likely due to the statute enhancing other offenses, so the number of offenders is not known. Per FDLE, for the remaining felonies under Chapter 874, in FY 24-25, there were 15 arrests and no convictions/adjudications withheld. Per DOC, there was one new commitment in FY 24-25. Furthermore, there were 6 new commitments for possessing a weapon as a convicted felon (s. 790.23(4), F.S.) and one for registration of a convicted felon (s. 775.13(4)(b), F.S.).

Per DOC, 5 inmates were admitted to the prison system in FY 24-25 with a death sentence and 469 inmates were admitted with a life sentence. For those admitted with a death sentence, one was listed as a gang member, and for those admitted with life sentences, 67 were listed as gang members and 25 were listed as associates. It is not known how many of these life sentences were given instead of a death sentence. Furthermore, those inmates executed in FY 24-25 averaged 27 years in prison, with the shortest time between initial incarceration and execution being 22 years. Assuming that future inmates on death row would have similar time in prison, any impact on prison beds should not be felt for at least a decade, and would have no impact within the forecast window.

Although, few offenders are currently arriving as new commitments for most felonies impacted by this bill, it is not known how many are impacted by the penalty enhancements under s. 874.04, F.S. Therefore, the magnitude of the impact cannot be quantified.

**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.)

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

---

BILL: SB 590

INTRODUCER: Senator Bradley

SUBJECT: Statute of Limitations Period for Violations Involving Required Reports Concerning Children

DATE: January 9, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	<b>Favorable</b>
2.			CF	
3.			RC	

---

**I. Summary:**

SB 590 amends s. 775.15, F.S., to provide that the statute of limitations is tolled for a violation of an offense of failing to make a mandatory report of known or suspected child abuse, including sexual abuse, abandonment, and neglect, until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation.

Section 39.201, F.S., provides that a person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reason to suspect, that any child abuse has occurred.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

**Department of Children and Families' Central Abuse Hotline**

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida. The Hotline receives calls, faxes, and web based reports from citizens and professionals with concerns of abuse, neglect, or exploitation of children and vulnerable adults in Florida.<sup>1</sup>

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<sup>1</sup> Florida Department of Children and Families, *About the Florida Abuse Hotline*, available at <https://www.myflfamilies.com/services/abuse-hotline/about> (last visited on January 6, 2026).

## **Mandatory Reporting of Child Abuse**

A provides that a person is required to report immediately to the central abuse hotline in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect that any of the following has occurred<sup>2</sup>:

- Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.<sup>3</sup>
- Child abuse by an adult other than a parent, legal guardian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.<sup>4</sup>

Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse must report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.<sup>5</sup>

### ***Mandatory Reporters***

A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.<sup>6</sup> However, A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;<sup>7</sup>
- Health care professional or mental health professional;<sup>8</sup>
- Practitioner who relies solely on spiritual means for healing;<sup>9</sup>
- School teacher or other school official or personnel;<sup>10</sup>
- Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;<sup>11</sup>
- Law enforcement officer;<sup>12</sup>
- Judge;<sup>13</sup> or
- Animal control officer.<sup>14</sup>

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<sup>2</sup> Section 39.201, F.S.

<sup>3</sup> Section 39.201(1)(a)1.a., F.S.

<sup>4</sup> Section 39.201(1)(a)1.b., F.S.

<sup>5</sup> Section 39.201(1)2., F.S.

<sup>6</sup> Section 39.201(1)2.(b)1., F.S.

<sup>7</sup> Section 39.201(1)(b)2.a., F.S.

<sup>8</sup> Section 39.201(1)(b)2.b., F.S.

<sup>9</sup> Section 39.201(1)(b)2.c., F.S.

<sup>10</sup> Section 39.201(1)(b)2.d., F.S.

<sup>11</sup> Section 39.201(1)(b)2.e., F.S.

<sup>12</sup> Section 39.201(1)(b)2.f., F.S.

<sup>13</sup> Section 39.201(1)(b)2.g., F.S.

<sup>14</sup> Section 39.201(1)(b)2.h., F.S.

***Failure to Report – Penalties***

A person who knowingly and willfully fails to report to the central abuse hotline known or suspected child abuse, abandonment, or neglect, or who knowingly and willfully prevents another person from doing so, commits a third degree felony.<sup>15</sup>

Any person, official, or institution participating in good faith in any act authorized or required by this chapter or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, is to be immune from any civil or criminal liability which might otherwise result by reason of such action.<sup>16</sup>

**Statute of Limitations**

The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past.<sup>17</sup>

Courts have held that the statute of limitations affect substantive rights and that the statute of limitations that applies in a criminal case is the one that was in effect at the time of the incidents that gave rise to the charges.<sup>18</sup>

In general, time starts to run on the day after the offense is committed. An offense is committed either when every element has occurred or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated.<sup>19</sup>

Prosecution on a charge for which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.<sup>20</sup>

A prosecution on a charge for which the defendant has not previously been arrested or served with a summons is commenced when either an indictment or information is filed, provided the *capias*, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state does not constitute an unreasonable delay.<sup>21</sup>

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<sup>15</sup> Section 39.205(1), F.S.

<sup>16</sup> Section 39.203(1)(a), F.S.

<sup>17</sup> *Reino v. State*, 352 So.2d 853, 860 (Fla. 1977) (citing *Toussie v. United States*, 397 U.S. 112, 114-15, 90 S.Ct. 858, 25 L.Ed.2d 156 (1970)).

<sup>18</sup> *Torgerson v. State*, 964 So.2d 178, 179 (Fla. 4<sup>th</sup> DCA 2007) (citing *State v. Shamy*, 759 So.2d 728 (Fla. 4<sup>th</sup> DCA 2000)).

<sup>19</sup> Section 775.15(3), F.S.

<sup>20</sup> Section 775.15(4)(a), F.S.

<sup>21</sup> Section 775.15(4)(b), F.S.

The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state. However, this does not extend the period of limitation otherwise applicable by more than 3 years. This does not limit the prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.<sup>22</sup>

### ***General Time Limitations***

A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies are be considered life felonies, and prosecution for such crimes may be commenced at any time.

Prosecution for offenses other than capital felony, life felony or a felony that resulted in death are subject to the following periods of limitations:

- A prosecution for a first degree felony must be commenced within 4 years after it is committed.<sup>23</sup>
- A prosecution for any other felony must be commenced within 3 years after it is committed.<sup>24</sup>
- A prosecution for a first degree misdemeanor must be commenced within 2 years after it is committed.<sup>25</sup>
- A prosecution for a second degree misdemeanor or a noncriminal violation must be commenced within 1 years after it is committed.<sup>26</sup>

### **Exceptions – Time Limitations**

The Legislature may create statutory exceptions to otherwise applicable time limitations by delaying when a limitation period begins, extending it, or eliminating it entirely for specific offenses or circumstances.

Some examples of legislative exceptions to time limitations include:

- There is no time limitation for prosecuting a sexual battery committed on or after July 1, 2020, on a victim who is under 18 years of age at the time of the offense.<sup>27</sup>
- Sexual battery offenses involving victims under 16 years of age may be prosecuted at any time, except when prosecution was already barred on or before July 1, 2010.<sup>28</sup>
- For victims aged 16 or older, prosecution may be commenced at any time if reported within 72 hours, or otherwise must be commenced within eight years, subject to statutory exceptions.<sup>29</sup>

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<sup>22</sup> Section 775.15(5), F.S.

<sup>23</sup> Section 775.15(2)(a), F.S.

<sup>24</sup> Section 775.15(2)(b), F.S.

<sup>25</sup> Section 775.15(2)(c), F.S.

<sup>26</sup> Section 775.15(2)(d), F.S.

<sup>27</sup> Section 775.15(20), F.S.

<sup>28</sup> Section 775.15(13)(c), F.S.

<sup>29</sup> Section 775.15(14)(a), F.S.

**III. Effect of Proposed Changes:**

The bill amends s. 775.15, F.S., to provide that the statute of limitations is tolled for a violation of s. 39.201, F.S., until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation.

The bill takes effect on July 1, 2026.

**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 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. The bill tolls the statute of limitations for criminal prosecution of failure to report known or suspected



child abuse. The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections.

**VI. Technical Deficiencies:**

The bill does not include a barred prosecution date for offenses occurring on or before the effective date.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section 775.15 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 Bradley

6-00623-26

2026590\_\_

A bill to be entitled

An act relating to the statute of limitations period for violations involving required reports concerning children; amending s. 775.15, F.S.; providing that the limitations period for offenses concerning specified required reports about children does not begin to run until a law enforcement agency is made aware of the violation; providing an effective date.

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

Section 1. Subsection (23) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(23) If the offense is a violation of s. 39.201, the applicable period of limitation does not begin to run until a law enforcement agency or other governmental agency, excluding any institution where the violation occurs, is made aware of the violation.

Section 2. This act shall take effect July 1, 2026.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Regulated Industries, *Chair*  
Appropriations Committee on Higher  
Education, *Vice Chair*  
Appropriations Committee on Pre-K - 12 Education  
Criminal Justice  
Ethics and Elections  
Fiscal Policy  
Rules

## JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,  
*Alternating Chair*

## SENATOR JENNIFER BRADLEY

6th District

December 10, 2025

Senator Jonathan Martin, Chairman  
Criminal Justice Committee  
315 Senate Building  
404 South Monroe Street  
Tallahassee, Florida 32299-1100

Dear Chair Martin:

I respectfully request that Senate Bill 590 be placed on the agenda of the Criminal Justice Committee at your earliest convenience. The bill would modify the statute of limitations in cases involving child abuse and other proceedings related to children.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley". The signature is fluid and cursive.

Jennifer Bradley

cc: Amanda Stokes Staff Director  
Tori Denson, Administrative Assistant

## REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

January 12, 2026

The Florida Senate  
**APPEARANCE RECORD**

590

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

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Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

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compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

☐ I am not a lobbyist, but received  
something of value for my appearance  
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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.)

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

---

BILL: SB 676

INTRODUCER: Senator Arrington

SUBJECT: Criminal Offenses

DATE: January 9, 2026

REVISED: \_\_\_\_\_

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

---

**I. Summary:**

SB 676 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 amends ss. 828.12, 828.122 and 828.126, F.S., to create a third degree felony offense for a person eighteen years of age or older who causes or entices a minor to commit, or in the presence of a minor, commits a violation of 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 amends the Offense Severity Ranking Chart to rank new offenses created by the bill and increase the ranking for the offense of fighting or baiting animals.

According to the preliminary estimate by the Office of Economic and Demographic Research, the bill will have a positive indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2026.

## II. Present Situation:

### **Contributing to the Delinquency or Dependency of a Minor**

A person commits a first degree<sup>1</sup> misdemeanor if he or she:

- 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 services.

The offense is a first degree misdemeanor regardless of the offense child commits.<sup>2</sup>

It is not necessary for any court exercising juvenile jurisdiction to make an adjudication that any child is delinquent or dependent or a child in need of services in order to prosecute a violation of contributing to the delinquency or dependency of a minor. An adjudication that a child is delinquent or dependent or a child in need of services does not preclude a subsequent prosecution of contributing to the delinquency or dependency of a minor.

### **Crimes Victimizing Animals**

#### ***Aggravated 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. This offense is a third degree felony. F.S.<sup>3,4</sup>

#### ***Fighting or Baiting Animals***

A person who knowingly commits any of the following acts commits a third degree felony:<sup>5</sup>

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<sup>1</sup> 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.

<sup>2</sup> Section 827.04(1), F.S.

<sup>3</sup> 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. As part of the sentence for the offense of aggravated animal cruelty the court may impose a fine of *not more than* \$10,000.

<sup>4</sup> A person convicted of a violation of s. 828.12(2), F.S., where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, must be ordered to pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program. A person convicted of a second or subsequent violation of s. 828.12(2), F.S., must be required to pay a minimum mandatory fine of \$5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, is not eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of s. 828.12(2), F.S.

<sup>5</sup> Section 828.122(3)(a)-(h), F.S. is a third degree felony which is 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.

- Baiting,<sup>6</sup> breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting<sup>7</sup> 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:<sup>8</sup>

- 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
- 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:<sup>9,10</sup>

- 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

<sup>6</sup> “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.

<sup>7</sup> “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

Section 828.122(2)(a), F.S.

<sup>8</sup> Section 828.126(1)(a)-(c), F.S.

<sup>9</sup> Section 828.126(2)(a)-(e), F.S.; A third degree felony is punishable by up to five years in prison and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

<sup>10</sup> Section 828.126(3), F.S.

- Films, distributes, or possesses any pornographic image or video of a person and an animal engaged in any of the prohibited activities.<sup>11</sup>

It should be noted that the crimes of Lewd or Lascivious Battery and Lewd or Lascivious Exhibition, second degree felony offenses,<sup>12</sup> contain elements that are similar to the third degree felony crime of Sexual Contact with an Animal. A person commits:

- Lewd or Lascivious Battery if he or she commits the acts of encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, *sexual bestiality*, prostitution, or any other act involving sexual activity.
- Lewd or Lascivious Exhibition if he or she intentionally commits a sexual act that does not involve actual physical or sexual contact with the victim, including but not limited to, sadomasochistic abuse, *sexual bestiality*, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age.<sup>13</sup>

Although the term “sexual bestiality” is not defined in the Lewd or Lascivious Battery offenses, it is defined elsewhere in the Florida Statutes. For example, the definition in s. 775.0847(1)(g), F.S., is “sexual bestiality means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or female genitals of the other.”

### **Criminal Punishment Code**

The Criminal Punishment Code<sup>14</sup> (Code) is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).<sup>15</sup> The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- Sixty 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;
- Fifteen 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.<sup>16</sup>

<sup>11</sup> A study of incidents from 1975 to 2015 found that 31.6 percent of animal sex offenders also sexually offended adults and children. Additionally, 52.9 percent of animal sex offenders had a prior or subsequent criminal record involving human sexual abuse, animal abuse, interpersonal violence, substances or property offenses. The Journal of the American Academy of Psychiatry and the Law, *Arrest and Prosecution of Animal Sex Abuse (Bestiality) Offenders in the United States, 1975 – 2015*, May 2019, available at <http://jaapl.org/content/early/2019/05/16/JAAPL.003836-19> (last visited January 6, 2026).

<sup>12</sup> A second degree felony is punishable by up to fifteen years imprisonment and a \$10,000 fine. ss. 775.082 and 775.083, F.S.

<sup>13</sup> *Id.* Sections 800.04(4) and 800.04(7), F.S.

<sup>14</sup> 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.

<sup>15</sup> Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

<sup>16</sup> 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.



### ***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.

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.<sup>17</sup> Absent mitigation,<sup>18</sup> 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.<sup>19</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 827.04, F.S., to provide that a person who *commits any act that causes, tends to cause, encourages, or contributes to a child committing an offense that is:*

- A third degree felony commits a first degree misdemeanor.
- A second degree felony commits a third degree felony.
- A first degree felony commits a felony of the second degree.
- A capital felony commits a first degree felony.

The bill likewise provides that for a person who *induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit an offense that is:*

- A third degree felony commits a first degree misdemeanor.
- A second degree felony commits a third degree felony.
- A first degree felony commits a felony of the second degree.

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<sup>17</sup> Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

<sup>18</sup> 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.

<sup>19</sup> 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.

- A capital felony commits a first degree felony.

The bill amends ss. 828.12, 828.122, and 828.126, F.S., to provide that it is a third degree felony offense for a person eighteen years of age or older to *cause or entice a minor to commit, or in the presence of a minor to commit 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 amends the Offense Severity Ranking Chart to:

- Elevate the crime of fighting or baiting an animal from a Level 1 crime to a Level 5;
- Rank the offense for causing or enticing a minor to commit, or committing in the presence of a minor animal cruelty as a Level 6;
- Rank the offense for causing or enticing a minor to commit, or committing in the presence of a minor fighting or baiting animals as a Level 6; and
- Rank the offense for causing or enticing a minor to commit, or committing in the presence of a minor, sexual activities involving animals as a Level 7.<sup>20</sup>

The bill takes effect October 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities or 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.

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<sup>20</sup> The Offense Severity Ranking Chart, s. 921.0022, F.S.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Office of Economic and Demographic Research completed a preliminary report on the bill and estimated that the bill will have a positive indeterminate prison bed impact which means the estimated impact is a positive unquantifiable one.<sup>21</sup>

Per FDLE, in FY 24-25, there were 719 arrests, with 254 guilty/convicted charges and 125 adjudicated withheld charges for contributing to the delinquency of a minor, which is currently a 1st degree misdemeanor. It is not known how many of these instances would now be under the new elevated felony structure.

This bill then amends s. 828.12, F.S., adding a Level 6, 3rd degree felony for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits” the following Level 5, 3rd degree felony: “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...” Per DOC, in FY 24-25, there were 20 new commitments for the Level 5, 3rd degree felony. It is not known how many of these involved a minor, nor is it known how many additional commitments would be added with a minor involved.

Additionally, the bill amends s. 828.122, F.S., adding a Level 6, 3rd degree felony for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits...” the current Level 1, 3rd degree felony for a list of acts related to animal fighting or baiting. It then raises this felony to a Level 5, 3rd degree felony. Per DOC, in FY 24-25, there were no new commitments for this Level 1, 3rd degree felony.

Finally, the bill amends s. 828.126, F.S., adding a Level 7, 3rd degree felony for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits...” a Level 6, 3rd degree felony for a list of acts related to sexual activities involving animals. Per DOC, in FY 24-25, there were 5 new commitments for this Level 6, 3rd degree felony. It is not known how many of these involved a minor, nor is it known how many additional commitments would be added

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<sup>21</sup> Office of Economic and Demographic Research, *SB 676 – Criminal Offenses*, (on file with the Senate Committee on Criminal Justice).

with a minor involved. However, there are penalties under Chapter 827, where “sexual conduct” is defined with the inclusion of sexual bestiality, with felonies against similarly defined acts under s. 827.071, F.S. (sexual performance by a child). Per DOC, in FY 24-25, there was one new commitment involving such an act, though sexual conduct is broadly defined. Lastly, sexual conduct is also used for the 1st degree misdemeanor under s. 827.11, F.S. (expose children to an adult live performance). There were no arrests or convictions/adjudications withheld for this 1st degree misdemeanor in FY 24-25.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 827.04, 828.12, 828.122, 828.126, 921.0022, 39.201, 90.4025, 382.356, 409.2355, 742.107.

**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 Arrington

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1 A bill to be entitled  
 2 An act relating to criminal offenses; amending s.  
 3 827.04, F.S.; providing criminal penalties for persons  
 4 who commit any act that causes, tends to cause,  
 5 encourages, or contributes to a child committing  
 6 offenses of specified severities; providing criminal  
 7 penalties for persons who induce or endeavor to  
 8 induce, by act, threat, command, or persuasion, a  
 9 child to commit offenses of specified severities;  
 10 amending s. 828.12, F.S.; creating the offense of  
 11 causing or enticing a minor to commit, or in the  
 12 presence of a minor committing, animal cruelty;  
 13 amending s. 828.122, F.S.; creating the offense of  
 14 causing or enticing a minor to commit, or in the  
 15 presence of a minor committing, fighting or baiting  
 16 animals; amending s. 828.126, F.S.; creating the  
 17 offense of causing or enticing a minor to commit, or  
 18 in the presence of a minor committing, sexual  
 19 activities involving animals; amending s. 921.0022,  
 20 F.S.; increasing the level on the offense severity  
 21 ranking chart for fighting or baiting animals; ranking  
 22 offenses created by the act on the offense severity  
 23 ranking chart; conforming a cross-reference; amending  
 24 ss. 39.201, 90.4025, 382.356, 409.2355, and 742.107,  
 25 F.S.; conforming cross-references; providing an  
 26 effective date.

28 Be It Enacted by the Legislature of the State of Florida:  
 29

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30 Section 1. Present subsections (2) and (3) of section  
 31 827.04, Florida Statutes, are renumbered as subsections (3) and  
 32 (4), respectively, a new subsection (2) is added to that  
 33 section, and subsection (1) of that section is amended, to read:  
 34 827.04 Contributing to the delinquency or dependency of a  
 35 child; penalty.—  
 36 (1) Except as provided in subsection (2), a ~~any~~ person who:  
 37 (a) Commits any act which causes, tends to cause,  
 38 encourages, or contributes to a child becoming a delinquent or  
 39 dependent child or a child in need of services; or  
 40 (b) Induces or endeavors to induce, by act, threat,  
 41 command, or persuasion, a child to commit or perform any act,  
 42 follow any course of conduct, or live in a manner that causes or  
 43 tends to cause such child to become or to remain a dependent or  
 44 delinquent child or a child in need of services,  
 45 commits a misdemeanor of the first degree, punishable as  
 46 provided in s. 775.082 or s. 775.083.  
 47 (2) (a) A person who commits any act that causes, tends to  
 48 cause, encourages, or contributes to a child committing an  
 49 offense that is:  
 50 1. A felony of the third degree, commits a misdemeanor of  
 51 the first degree, punishable as provided in s. 775.082 or s.  
 52 775.083.  
 53 2. A felony of the second degree, commits a felony of the  
 54 third degree, punishable as provided in s. 775.082, s. 775.083,  
 55 or s. 775.084.  
 56 3. A felony of the first degree, commits a felony of the  
 57 second degree, punishable as provided in s. 775.082, s. 775.083,  
 58

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59 or s. 775.084.

60 4. A capital felony, commits a felony of the first degree,  
 61 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

62 (b) A person who induces or endeavors to induce, by act,  
 63 threat, command, or persuasion, a child to commit an offense  
 64 that is:

65 1. A felony of the third degree, commits a misdemeanor of  
 66 the first degree, punishable as provided in s. 775.082 or s.  
 67 775.083.

68 2. A felony of the second degree, commits a felony of the  
 69 third degree, punishable as provided in s. 775.082, s. 775.083,  
 70 or s. 775.084.

71 3. A felony of the first degree, commits a felony of the  
 72 second degree, punishable as provided in s. 775.082, s. 775.083,  
 73 or s. 775.084.

74 4. A capital felony, commits a felony of the first degree,  
 75 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

76 Section 2. Present subsections (4) through (7) of section  
 77 828.12, Florida Statutes, are renumbered as subsections (5)  
 78 through (8), respectively, a new subsection (4) is added to that  
 79 section, and subsection (2) of that section is republished, to  
 80 read:

81 828.12 Cruelty to animals.—

82 (2) A person who intentionally commits an act to any  
 83 animal, or a person who owns or has the custody or control of  
 84 any animal and fails to act, which results in the cruel death,  
 85 or excessive or repeated infliction of unnecessary pain or  
 86 suffering, or causes the same to be done, commits aggravated  
 87 animal cruelty, a felony of the third degree, punishable as

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88 provided in s. 775.082 or by a fine of not more than \$10,000, or  
 89 both.

90 (a) A person convicted of a violation of this subsection,  
 91 where the finder of fact determines that the violation includes  
 92 the knowing and intentional torture or torment of an animal that  
 93 injures, mutilates, or kills the animal, shall be ordered to pay  
 94 a minimum mandatory fine of \$2,500 and undergo psychological  
 95 counseling or complete an anger management treatment program.

96 (b) A person convicted of a second or subsequent violation  
 97 of this subsection shall be required to pay a minimum mandatory  
 98 fine of \$5,000 and serve a minimum mandatory period of  
 99 incarceration of 6 months. In addition, the person shall be  
 100 released only upon expiration of sentence, is not eligible for  
 101 parole, control release, or any form of early release, and must  
 102 serve 100 percent of the court-imposed sentence. Any plea of  
 103 nolo contendere shall be considered a conviction for purposes of  
 104 this subsection.

105 (4) A person 18 years of age or older commits a felony of  
 106 the third degree, punishable as provided in s. 775.082, s.  
 107 775.083, or s. 775.084, if he or she causes or entices a minor  
 108 to commit, or in the presence of a minor commits, a violation of  
 109 subsection (2).

110 Section 3. Present subsections (4) through (10) of section  
 111 828.122, Florida Statutes, are renumbered as subsections (5)  
 112 through (11), respectively, a new subsection (4) is added to  
 113 that section, and subsection (3) of that section is amended, to  
 114 read:

115 828.122 Fighting or baiting animals; offenses; penalties.—

116 (3) A ~~Any~~ person who knowingly commits any of the following

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acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;

(b) Owning, possessing, or selling equipment for use in any activity described in paragraph (a);

(c) Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);

(d) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;

(e) 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;

(f) Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (5) ~~(4)~~, subsection (6) ~~(5)~~, or subsection (8) ~~(7)~~, without the prior authorization of the court;

(g) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(h) Attending the fighting or baiting of animals.

Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section.

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(4) A person 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 subsection (3).

Section 4. Subsection (6) is added to section 828.126, Florida Statutes, and subsection (2) of that section is republished, to read:

828.126 Sexual activities involving animals.—

(2) A person may not:

(a) Knowingly engage in any sexual contact with an animal;

(b) Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;

(c) Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control;

(d) Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or

(e) Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.

(6) A person 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 subsection (2).

Section 5. Paragraphs (a), (e), (f), and (g) of subsection

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(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
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.

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319.30(5) 3rd Sell, exchange, give away certificate of title or identification number plate.

319.35(1) (a) 3rd Tamper, adjust, change, etc., an odometer.

320.26(1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

322.212 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

322.212(4) 3rd Supply or aid in supplying unauthorized driver license or identification card.

322.212(5) (a) 3rd False application for driver license or identification card.

414.39(3) (a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

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194	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
195	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
196	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
197	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
198	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
199	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
200	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

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201			providing false information to facilitate commission of a felony.
202	826.01	3rd	Bigamy.
203	<del>828.122(3)</del>	<del>3rd</del>	<del>Fighting or baiting animals.</del>
	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
204	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
205	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
206	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.
207	838.15(2)	3rd	Commercial bribe receiving.
208			

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209	838.16	3rd	Commercial bribery.
210	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
211	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.
212	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
213	849.25(2)	3rd	Engaging in bookmaking.
214	860.08	3rd	Interfere with a railroad signal.
215	860.13(1)(a)	3rd	Operate aircraft while under the influence.
216	893.13(2)(a)2.	3rd	Purchase of cannabis.
217			

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218	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
219	(e) LEVEL 5		
220			
221	Florida Statute	Felony Degree	Description
222	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
223	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.
224	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
225	322.34(6)	3rd	Careless operation of motor vehicle with suspended license,

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resulting in death or serious  
bodily injury.

226

327.30(5)(a)2.

3rd

Vessel accidents involving  
personal injuries other than  
serious bodily injury; leaving  
scene.

227

365.172

2nd

(14)(b)2.

Misuse of emergency  
communications system resulting  
in death.

228

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 in  
the commercial harvest of stone  
crabs while license is

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suspended or revoked.

229

379.367(4)

3rd

Willful molestation of a  
commercial harvester's spiny  
lobster trap, line, or buoy.

230

379.407(5)(b)3.

3rd

Possession of 100 or more  
undersized spiny lobsters.

231

381.0041(11)(b)

3rd

Donate blood, plasma, or organs  
knowing HIV positive.

232

440.10(1)(g)

2nd

Failure to obtain workers'  
compensation coverage.

233

440.105(5)

2nd

Unlawful solicitation for the  
purpose of making workers'  
compensation claims.

234

440.381(2)

3rd

Submission of false,  
misleading, or incomplete  
information with the purpose of  
avoiding or reducing workers'  
compensation premiums.

235

624.401(4)(b)2.

2nd

Transacting insurance without a  
certificate or authority;  
premium collected \$20,000 or  
more but less than \$100,000.

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236				
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.	
237				
	790.01(3)	3rd	Unlawful carrying of a concealed firearm.	
238				
	790.162	2nd	Threat to throw or discharge destructive device.	
239				
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.	
240				
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	
241				
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.	
242				
	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.	
243				
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.	
244				

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	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.	
245				
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	
246				
	810.145(4)	3rd	Commercial digital voyeurism dissemination.	
247				
	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.	
248				
	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.	
249				
	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.	
250				
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.	
251				
	812.015	3rd	Retail theft; property stolen is valued at \$750 or more and	
	(8)(a) & (c)-			

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(e) one or more specified acts.

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.

812.019(1) 2nd Stolen property; dealing in or trafficking in.

812.081(3) 2nd Trafficking in trade secrets.

812.131(2) (b) 3rd Robbery by sudden snatching.

812.16(2) 3rd Owning, operating, or conducting a chop shop.

817.034(4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

817.234(11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

817.2341(1), 3rd Filing false financial  
(2) (a) & statements, making false  
(3) (a) entries of material fact or

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false statements regarding property values relating to the solvency of an insuring entity.

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.

817.611(2) (a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

817.625(2) (b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or

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death.

266

828.122(3)

3rd

Fighting or baiting animals.

267

836.14(4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

268

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.

269

843.01(1)

3rd

Resist officer with violence to person; resist arrest with violence.

270

847.0135(5)(b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

271

847.0137  
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

272

847.0138  
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by

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electronic device or equipment.

273

874.05(1)(b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

274

874.05(2)(a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

275

893.13(1)(a)1.

2nd

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).

276

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.

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277

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.

278

893.13(1)(e)2. 2nd Sell, manufacture, or 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.

279

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.

280

893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

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281

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

282

283

(f) LEVEL 6

284

Florida Statute	Felony Degree	Description
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285

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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286

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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287

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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288

327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
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289

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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290

499.0051(2)	2nd	Knowing forgery of transaction history, transaction
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information, or transaction  
statement.

291

499.0051(3) 2nd Knowing purchase or receipt of  
prescription drug from  
unauthorized person.

292

499.0051(4) 2nd Knowing sale or transfer of  
prescription drug to  
unauthorized person.

293

775.0875(1) 3rd Taking firearm from law  
enforcement officer.

294

784.021(1)(a) 3rd Aggravated assault; deadly  
weapon without intent to kill.

295

784.021(1)(b) 3rd Aggravated assault; intent to  
commit felony.

296

784.041 3rd Felony battery; domestic  
battery by strangulation.

297

784.048(3) 3rd Aggravated stalking; credible  
threat.

298

784.048(5) 3rd Aggravated stalking of person  
under 16.

299

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784.07(2)(c) 2nd Aggravated assault on law  
enforcement officer.

300

784.074(1)(b) 2nd Aggravated assault on sexually  
violent predators facility  
staff.

301

784.08(2)(b) 2nd Aggravated assault on a person  
65 years of age or older.

302

784.081(2) 2nd Aggravated assault on specified  
official or employee.

303

784.082(2) 2nd Aggravated assault by detained  
person on visitor or other  
detainee.

304

784.083(2) 2nd Aggravated assault on code  
inspector.

305

787.02(2) 3rd False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

306

787.025(2)(a) 3rd Luring or enticing a child.

307

790.115(2)(d) 2nd Discharging firearm or weapon  
on school property.

308

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309 790.161(2) 2nd Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

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.

310 790.19 2nd Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

311 794.011(8)(a) 3rd Solicitation of minor to  
participate in sexual activity  
by custodial adult.

312 794.05(1) 2nd Unlawful sexual activity with  
specified minor.

313 800.04(5)(d) 3rd Lewd or lascivious molestation;  
victim 12 years of age or older  
but less than 16 years of age;  
offender less than 18 years.

314 800.04(6)(b) 2nd Lewd or lascivious conduct;

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offender 18 years of age or  
older.

315 806.031(2) 2nd Arson resulting in great bodily  
harm to firefighter or any  
other person.

316 810.02(3)(c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

317 810.145(8)(b) 2nd Digital voyeurism; certain  
minor victims; 2nd or  
subsequent offense.

318 812.014(2)(b)1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

319 812.014(2)(c)5. 3rd Grand theft; third degree;  
firearm.

320 812.014(6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.

321 812.015(9)(a) 2nd Retail theft; property stolen  
\$750 or more; second or  
subsequent conviction.

322

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812.015(9)(b) 2nd Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.

812.015(9)(d) 2nd Retail theft; multiple thefts within specified period.

812.015(9)(e) 2nd Retail theft; committed with specified number of other persons and use of social media platform.

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

817.49(2)(b)2. 2nd Willful making of a false report of a crime resulting in death.

817.505(4)(b) 2nd Patient brokering; 10 or more patients.

817.5695(3)(b) 2nd Exploitation of person 65 years of age or older, value \$10,000

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or more, but less than \$50,000.

825.102(1) 3rd Abuse of an elderly person or disabled adult.

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 disabled adult.

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

827.03(2)(c) 3rd Abuse of a child.

827.03(2)(d) 3rd Neglect of a child.

827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.

828.12(4) 3rd Causing or enticing a minor to commit, or committing in the presence of a minor, animal

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cruelty.

338

828.122(4)

3rd

Causing or enticing a minor to  
commit, or committing in the  
presence of a minor, fighting  
or baiting animals.

339

828.126(3)

3rd

Sexual activities involving  
 animals.

340

836.05

2nd

Threats; extortion.

341

836.10

2nd

Written or electronic threats  
 to kill, do bodily injury, or  
 conduct a mass shooting or an  
 act of terrorism.

342

843.12

3rd

Aids or assists person to  
 escape.

343

847.011

3rd

Distributing, offering to  
 distribute, or possessing with  
 intent to distribute obscene  
 materials depicting minors.

344

847.012

3rd

Knowingly using a minor in the  
 production of materials harmful  
 to minors.

345

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847.0135(2)

3rd

Facilitates sexual conduct of  
 or with a minor or the visual  
 depiction of such conduct.

346

893.131

2nd

Distribution of controlled  
 substances resulting in  
 overdose or serious bodily  
 injury.

347

914.23

2nd

Retaliation against a witness,  
 victim, or informant, with  
 bodily injury.

348

918.13(2)(b)

2nd

Tampering with or fabricating  
 physical evidence relating to a  
 capital felony.

349

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.

350

944.40

2nd

Escapes.

351

944.46

3rd

Harboring, concealing, aiding  
 escaped prisoners.

352

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944.47(1)(a)5.	2nd	Introduction of 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 officer who is in a patrol vehicle with siren and lights activated.	
327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.	

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402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.	
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.	
456.065(2)	3rd	Practicing a health care profession without a license.	
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	
458.327(1)	3rd	Practicing medicine without a license.	
459.013(1)	3rd	Practicing osteopathic medicine without a license.	
460.411(1)	3rd	Practicing chiropractic	

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medicine without a license.

369

461.012(1) 3rd Practicing podiatric medicine  
without a license.

370

462.17 3rd Practicing naturopathy without  
a license.

371

463.015(1) 3rd Practicing optometry without a  
license.

372

464.016(1) 3rd Practicing nursing without a  
license.

373

465.015(2) 3rd Practicing pharmacy without a  
license.

374

466.026(1) 3rd Practicing dentistry or dental  
hygiene without a license.

375

467.201 3rd Practicing midwifery without a  
license.

376

468.366 3rd Delivering respiratory care  
services without a license.

377

483.828(1) 3rd Practicing as clinical  
laboratory personnel without a  
license.

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378

483.901(7) 3rd Practicing medical physics  
without a license.

379

484.013(1)(c) 3rd Preparing or dispensing optical  
devices without a prescription.

380

484.053 3rd Dispensing hearing aids without  
a license.

381

494.0018(2) 1st Conviction of any violation of  
chapter 494 in which the total  
money and property unlawfully  
obtained exceeded \$50,000 and  
there were five or more  
victims.

382

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.

383

560.125(5)(a) 3rd Money services business by  
unauthorized person, currency  
or payment instruments  
exceeding \$300 but less than  
\$20,000.

384

655.50(10)(b)1. 3rd Failure to report financial

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transactions exceeding \$300 but  
less than \$20,000 by financial  
institution.

775.21(10)(a)

3rd

Sexual predator; failure to  
register; failure to renew  
driver license or  
identification card; other  
registration violations.

775.21(10)(b)

3rd

Sexual predator working where  
children regularly congregate.

775.21(10)(g)

3rd

Failure to report or providing  
false information about a  
sexual predator; harbor or  
conceal a sexual predator.

782.051(3)

2nd

Attempted felony murder of a  
person by a person other than  
the perpetrator or the  
perpetrator of an attempted  
felony.

782.07(1)

2nd

Killing of a human being by the  
act, procurement, or culpable  
negligence of another  
(manslaughter).

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782.071

2nd

Killing of a human being or  
unborn child by the operation  
of a motor vehicle in a  
reckless manner (vehicular  
homicide).

782.072

2nd

Killing of a human being by the  
operation of a vessel in a  
reckless manner (vessel  
homicide).

784.045(1)(a)1.

2nd

Aggravated battery;  
intentionally causing great  
bodily harm or disfigurement.

784.045(1)(a)2.

2nd

Aggravated battery; using  
deadly weapon.

784.045(1)(b)

2nd

Aggravated battery; perpetrator  
aware victim pregnant.

784.048(4)

3rd

Aggravated stalking; violation  
of injunction or court order.

784.048(7)

3rd

Aggravated stalking; violation  
of court order.

784.07(2)(d)

1st

Aggravated battery on law  
enforcement officer.

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398

784.074 (1) (a) 1st Aggravated battery on sexually  
violent predators facility  
staff.

399

784.08 (2) (a) 1st Aggravated battery on a person  
65 years of age or older.

400

784.081 (1) 1st Aggravated battery on specified  
official or employee.

401

784.082 (1) 1st Aggravated battery by detained  
person on visitor or other  
detainee.

402

784.083 (1) 1st Aggravated battery on code  
inspector.

403

787.025 (2) (b) 2nd Luring or enticing a child;  
second or subsequent offense.

404

787.025 (2) (c) 2nd Luring or enticing a child with  
a specified prior conviction.

405

787.06 (3) (a) 2. 1st Human trafficking using  
coercion for labor and services  
of an adult.

406

787.06 (3) (e) 2. 1st Human trafficking using

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407

coercion for labor and services  
by the transfer or transport of  
an adult from outside Florida  
to within the state.

790.07 (4) 1st Specified weapons violation  
subsequent to previous  
conviction of s. 790.07 (1) or  
(2).

408

790.16 (1) 1st Discharge of a machine gun  
under specified circumstances.

409

790.165 (2) 2nd Manufacture, sell, possess, or  
deliver hoax bomb.

410

790.165 (3) 2nd Possessing, displaying, or  
threatening to use any hoax  
bomb while committing or  
attempting to commit a felony.

411

790.166 (3) 2nd Possessing, selling, using, or  
attempting to use a hoax weapon  
of mass destruction.

412

790.166 (4) 2nd Possessing, displaying, or  
threatening to use a hoax  
weapon of mass destruction  
while committing or attempting

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to commit a felony.

413

790.23

1st, PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

414

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.

415

796.05(1)

1st

Live on earnings of a prostitute; 2nd offense.

416

796.05(1)

1st

Live on earnings of a prostitute; 3rd and subsequent offense.

417

800.04(5)(c)1.

2nd

Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

418

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

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or older.

419

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.

420

806.01(2)

2nd

Maliciously damage structure by fire or explosive.

421

810.02(3)(a)

2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

422

810.02(3)(b)

2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

423

810.02(3)(d)

2nd

Burglary of occupied conveyance; unarmed; no assault or battery.

424

810.02(3)(e)

2nd

Burglary of authorized emergency vehicle.

425

812.014(2)(a)1.

1st

Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law

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enforcement officer; property  
stolen while causing other  
property damage; 1st degree  
grand theft.

812.014(2)(b)2. 2nd Property stolen, cargo valued  
at less than \$50,000, grand  
theft in 2nd degree.

812.014(2)(b)3. 2nd Property stolen, emergency  
medical equipment; 2nd degree  
grand theft.

812.014(2)(b)4. 2nd Property stolen, law  
enforcement equipment from  
authorized emergency vehicle.

812.014(2)(g) 2nd Grand theft; second degree;  
firearm with previous  
conviction of s.  
812.014(2)(c)5.

812.0145(2)(a) 1st Theft from person 65 years of  
age or older; \$50,000 or more.

812.019(2) 1st Stolen property; initiates,  
organizes, plans, etc., the  
theft of property and traffics  
in stolen property.

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812.131(2)(a) 2nd Robbery by sudden snatching.

812.133(2)(b) 1st Carjacking; no firearm, deadly  
weapon, or other weapon.

817.034(4)(a)1. 1st Communications fraud, value  
greater than \$50,000.

817.234(8)(a) 2nd Solicitation of motor vehicle  
accident victims with intent to  
defraud.

817.234(9) 2nd Organizing, planning, or  
participating in an intentional  
motor vehicle collision.

817.234(11)(c) 1st Insurance fraud; property value  
\$100,000 or more.

817.2341 1st Making false entries of  
(2)(b) & material fact or false  
(3)(b) statements regarding property  
values relating to the solvency  
of an insuring entity which are  
a significant cause of the  
insolvency of that entity.

817.418(2)(a) 3rd Offering for sale or

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advertising personal protective  
equipment with intent to  
defraud.

440

817.504 (1) (a) 3rd Offering or advertising a  
vaccine with intent to defraud.

441

817.535 (2) (a) 3rd Filing false lien or other  
unauthorized document.

442

817.611 (2) (b) 2nd Traffic in or possess 15 to 49  
counterfeit credit cards or  
related documents.

443

825.102 (3) (b) 2nd Neglecting an elderly person or  
disabled adult causing great  
bodily harm, disability, or  
disfigurement.

444

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.

445

827.03 (2) (b) 2nd Neglect of a child causing  
great bodily harm, disability,  
or disfigurement.

446

827.04 (4) 3rd Impregnation of a child under

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~~827.04 (3)~~

16 years of age by person 21  
years of age or older.

447

827.071 (2) & (3) 2nd Use or induce a child in a  
sexual performance, or promote  
or direct such performance.

448

827.071 (4) 2nd Possess with intent to promote  
any photographic material,  
motion picture, etc., which  
includes child pornography.

449

828.126 (6) 3rd Causing or enticing a minor to  
commit, or committing in the  
presence of a minor, sexual  
activities involving animals.

450

837.05 (2) 3rd Giving false information about  
alleged capital felony to a law  
enforcement officer.

451

838.015 2nd Bribery.

452

838.016 2nd Unlawful compensation or reward  
for official behavior.

453

838.021 (3) (a) 2nd Unlawful harm to a public  
servant.

454

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455	838.22	2nd	Bid tampering.
456	843.0855(2)	3rd	Impersonation of a public officer or employee.
457	843.0855(3)	3rd	Unlawful simulation of legal process.
458	843.0855(4)	3rd	Intimidation of a public officer or employee.
459	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
460	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
461	872.06	2nd	Abuse of a dead human body.
462	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

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463	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 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
464	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.
465	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
466	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

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467

893.135 1st Trafficking in cocaine, more  
(1) (b) 1.a. than 28 grams, less than 200  
grams.

468

893.135 1st Trafficking in illegal drugs,  
(1) (c) 1.a. more than 4 grams, less than 14  
grams.

469

893.135 1st Trafficking in hydrocodone, 28  
(1) (c) 2.a. grams or more, less than 50  
grams.

470

893.135 1st Trafficking in hydrocodone, 50  
(1) (c) 2.b. grams or more, less than 100  
grams.

471

893.135 1st Trafficking in oxycodone, 7  
(1) (c) 3.a. grams or more, less than 14  
grams.

472

893.135 1st Trafficking in oxycodone, 14  
(1) (c) 3.b. grams or more, less than 25  
grams.

473

893.135 1st Trafficking in fentanyl, 4  
(1) (c) 4.b. (I) grams or more, less than 14  
grams.

474

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475

893.135 1st Trafficking in phencyclidine,  
(1) (d) 1.a. 28 grams or more, less than 200  
grams.

476

893.135 (1) (e) 1. 1st Trafficking in methaqualone,  
200 grams or more, less than 5  
kilograms.

477

893.135 (1) (f) 1. 1st Trafficking in amphetamine, 14  
grams or more, less than 28  
grams.

478

893.135 1st Trafficking in flunitrazepam, 4  
(1) (g) 1.a. grams or more, less than 14  
grams.

479

893.135 1st Trafficking in gamma-  
(1) (h) 1.a. hydroxybutyric acid (GHB), 1  
kilogram or more, less than 5  
kilograms.

480

893.135 1st Trafficking in 1,4-Butanediol,  
(1) (j) 1.a. 1 kilogram or more, less than 5  
kilograms.

481

893.135 1st Trafficking in Phenethylamines,  
(1) (k) 2.a. 10 grams or more, less than 200  
grams.

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893.135 1st Trafficking in synthetic  
(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.

893.135 1st Trafficking in n-benzyl  
(1) (n) 2.a. phenethylamines, 14 grams or  
more, less than 100 grams.

893.1351(2) 2nd Possession of place for  
trafficking in or manufacturing  
of controlled substance.

896.101(5) (a) 3rd Money laundering, financial  
transactions exceeding \$300 but  
less than \$20,000.

896.104(4) (a) 1. 3rd Structuring transactions to  
evade reporting or registration  
requirements, financial  
transactions exceeding \$300 but  
less than \$20,000.

943.0435(4) (c) 2nd Sexual offender vacating  
permanent residence; failure to  
comply with reporting

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requirements.

943.0435(8) 2nd Sexual offender; remains in  
state after indicating intent  
to leave; failure to comply  
with reporting requirements.

943.0435(9) (a) 3rd Sexual offender; failure to  
comply with reporting  
requirements.

943.0435(13) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

943.0435(14) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification; providing false  
registration information.

944.607(9) 3rd Sexual offender; failure to  
comply with reporting  
requirements.

944.607(10) (a) 3rd Sexual offender; failure to  
submit to the taking of a  
digitized photograph.

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494

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

495

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

496

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

497

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

498

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

499

500 Section 6. Paragraph (c) of subsection (3) of section  
501 39.201, Florida Statutes, is amended to read:

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502

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.—

506

(3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

507

(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 services.

520

Section 7. Section 90.4025, Florida Statutes, is amended to read:

522

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)~~.

528

Section 8. Section 382.356, Florida Statutes, is amended to read:

530

382.356 Protocol for sharing certain birth certificate

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531 information.—In order to facilitate the prosecution of offenses  
 532 under s. 794.011, s. 794.05, s. 800.04, or s. 827.04(4) ~~s.~~  
 533 ~~827.04(3)~~, the Department of Health, the Department of Revenue,  
 534 and the Florida Prosecuting Attorneys Association shall develop  
 535 a protocol for sharing birth certificate information for all  
 536 children born to unmarried mothers who are less than 17 years of  
 537 age at the time of the child's birth.

538 Section 9. Section 409.2355, Florida Statutes, is amended  
 539 to read:

540 409.2355 Programs for prosecution of males over age 21 who  
 541 commit certain offenses involving girls under age 16.—Subject to  
 542 specific appropriated funds, the Department of Children and  
 543 Families is directed to establish a program by which local  
 544 communities, through the state attorney's office of each  
 545 judicial circuit, may apply for grants to fund innovative  
 546 programs for the prosecution of males over the age of 21 who  
 547 victimize girls under the age of 16 in violation of s. 794.011,  
 548 s. 794.05, s. 800.04, s. 827.04(4) ~~s. 827.04(3)~~, or s.  
 549 847.0135(5).

550 Section 10. Subsection (4) of section 742.107, Florida  
 551 Statutes, is amended to read:

552 742.107 Determining paternity of child with mother under 16  
 553 years of age when impregnated.—

554 (4) When the information provided by the applicant or  
 555 recipient who was impregnated while under age 16 indicates that  
 556 such person is the victim of child abuse as provided in s.  
 557 827.04(4) ~~s. 827.04(3)~~, the Department of Revenue or the  
 558 Department of Children and Families shall notify the county  
 559 sheriff's office or other appropriate agency or official and

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560 provide information needed to protect the child's health or  
 561 welfare.

562 Section 11. This act shall take effect October 1, 2026.

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# Florida Senate

## *Kristen Arrington*

Senator, District 25

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Kissimmee, FL, 34741  
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**Committees:**

Commerce & Tourism  
Vice Chair

Agriculture,  
Environment, and  
General Government  
Appropriations

Transportation,  
Tourism, and Economic  
Development  
Appropriations

Environment and  
Natural Resources

Fiscal Policy

Governmental  
Oversight and  
Accountability

Transportation

December 12, 2025

The Honorable Jonathan Martin, Chair  
315 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Martin,

I am respectfully requesting that you place SB 676, Criminal Offenses, on the agenda for the next Criminal Justice Committee meeting at your earliest opportunity.

SB 676 would create criminal penalties for adults that commit acts of animal cruelty in the presence of a minor or coerce a minor to participate. This bill specifies animal cruelty as fighting, baiting, or sexual activities. SB 676 also increases the level on the offense severity ranking chart for fighting or baiting animals. This bill is identical to CS/SB 1732, Criminal Justice from the 2025 Session.

Studies show that children that witness or participate in acts of animal cruelty have a greater increase in mental health issues, along with an increased likelihood of engaging in violence themselves. By addressing the cycle of abuse early on, children can be shielded from additional trauma caused by witnessing violence.

If you have any questions, please do not hesitate to reach me at (407) 973-4070. Thank you for your consideration in placing SB 676 on the next committee agenda.

Respectfully,

Senator Kristen Arrington

CC: The Honorable Carlos Guillermo Smith, Vice Chair  
Amanda Stokes, Staff Director



## SB 676 – Criminal Offenses (Identical HB 559)

This bill amends multiple statutes. First, it amends s. 827.04, F.S., adding elevated misdemeanor and felony levels for “a person who commits any act that causes, tends to cause, encourages, or contributes to a child committing an offense that” is as follows:

- 3<sup>rd</sup> degree felony: 1<sup>st</sup> degree misdemeanor
- 2<sup>nd</sup> degree felony: 3<sup>rd</sup> degree felony
- 1<sup>st</sup> degree felony: 2<sup>nd</sup> degree felony
- capital felony: 1<sup>st</sup> degree felony

It further adds that a “a person who induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit an offense that is:”

- 3<sup>rd</sup> degree felony: 1<sup>st</sup> degree misdemeanor
- 2<sup>nd</sup> degree felony: 3<sup>rd</sup> degree felony
- 1<sup>st</sup> degree felony: 2<sup>nd</sup> degree felony
- capital felony: 1<sup>st</sup> degree felony

Per FDLE, in FY 24-25, there were 719 arrests, with 254 guilty/convicted charges and 125 adjudicated withheld charges for contributing to the delinquency of a minor, which is currently a 1<sup>st</sup> degree misdemeanor. It is not known how many of these instances would now be under the new elevated felony structure.

This bill then amends s. 828.12, F.S., adding a **Level 6, 3<sup>rd</sup> degree felony** for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits” the following Level 5, 3<sup>rd</sup> degree felony: “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...” Per DOC, in FY 24-25, there were 20 new commitments for the Level 5, 3<sup>rd</sup> degree felony. It is not known how many of these involved a minor, nor is it known how many additional commitments would be added with a minor involved.

Additionally, the bill amends s. 828.122, F.S., adding a **Level 6, 3<sup>rd</sup> degree felony** for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits...” the current Level 1, 3<sup>rd</sup> degree felony for a list of acts related to animal fighting or baiting. It then raises this felony to a **Level 5, 3<sup>rd</sup> degree felony**. Per DOC, in FY 24-25, there were no new commitments for this Level 1, 3<sup>rd</sup> degree felony.

Finally, the bill amends s. 828.126, F.S., adding a **Level 7, 3<sup>rd</sup> degree felony** for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits...” a Level 6, 3<sup>rd</sup> degree felony for a list of acts related to sexual activities involving animals. Per DOC, in FY 24-25, there were 5 new

commitments for this Level 6, 3<sup>rd</sup> degree felony. It is not known how many of these involved a minor, nor is it known how many additional commitments would be added with a minor involved. However, there are penalties under Chapter 827, where “sexual conduct” is defined with the inclusion of sexual bestiality, with felonies against similarly defined acts under s. 827.071, F.S. (sexual performance by a child). Per DOC, in FY 24-25, there was one new commitment involving such an act, though sexual conduct is broadly defined. Lastly, sexual conduct is also used for the 1<sup>st</sup> degree misdemeanor under s. 827.11, F.S. (expose children to an adult live performance). There were no arrests or convictions/adjudications withheld for this 1<sup>st</sup> degree misdemeanor in FY 24-25.

**EDR PROPOSED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**

The Florida Senate  
**APPEARANCE RECORD**

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

SB 676

Bill Number or Topic

1/12/26

Meeting Date

CJ.

Committee

Name

Kate MacFall

Phone

850 508-1001

Address

1206 Walton Dr.

Street

Tallahassee FL

City

State

Zip

Email

kmacfall@hsus.org

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Humane World

☐

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.:**

**Type:**

**Caption:** Senate Criminal Justice Committee

**Judge:**

**Started:** 1/12/2026 1:30:49 PM

**Ends:** 1/12/2026 2:53:01 PM

**Length:** 01:22:12

1:30:49 PM Chair Martin calls meeting to order  
1:30:58 PM Roll call  
1:31:24 PM Chair Martin gives introductory announcements  
1:31:43 PM Tab 1: SB 50  
1:31:56 PM Sen Gaetz explains the bill  
1:33:17 PM Chair Martin recognizes Sen Gaetz to explain amendment 553034  
1:33:25 PM Sen Gaetz explains the amendment  
1:33:52 PM Chair Martin  
1:33:57 PM Appearance Cards:  
1:34:09 PM Dan Hendrickson  
1:36:21 PM Chair Martin  
1:36:32 PM Chair recognizes Sen Gaetz to explain amendment 669186  
1:36:36 PM Sen Gaetz  
1:36:55 PM Chair Martin  
1:37:01 PM Sen Gaetz  
1:37:02 PM Chair Martin  
1:37:09 PM Questions:  
1:37:13 PM Vice Chair Smith  
1:37:50 PM Sen Gaetz  
1:38:39 PM Chair Martin  
1:38:50 PM Appearance Cards:  
1:38:55 PM Chair Martin acknowledges waives speaking  
1:40:30 PM Christina Heady  
1:43:06 PM Vice Chair Smith  
1:43:59 PM Pastor Jearlyn Dennie, Alliance for Safety & Justice  
1:46:00 PM Chair Martin  
1:46:06 PM Debate:  
1:46:10 PM Vice Chair Smith  
1:47:13 PM Chair Martin  
1:47:31 PM Sen Gaetz closes on the bill  
1:47:42 PM Roll call  
1:47:52 PM Chair Martin reports favorably on the bill  
1:47:59 PM Chair Martin passes gavel to Vice Chair Smith  
1:48:17 PM Tab 2: SB 52  
1:48:37 PM Vice Chair recognizes Sen Gaetz to explain amendment 596732  
1:48:43 PM Sen Gaetz  
1:49:53 PM Vice Chair Smith  
1:50:32 PM Appearance Cards:  
1:50:40 PM Reggie Bartkowski, Pensacola Christian College  
1:52:45 PM Vice Chair Smith  
1:52:52 PM Pastor Joshua Burdick, Campus Church  
1:55:45 PM Vice Chair Smith passes gavel to Chair Martin  
1:55:50 PM Chair Martin  
1:55:58 PM Trevor Huff  
1:58:07 PM Chair Martin acknowledges waives speaking  
1:58:17 PM Chair Martin recognizes Sen Gaetz close  
1:58:21 PM Sen Gaetz  
1:58:43 PM Roll call  
1:58:53 PM Chair Martin reports CS/SB 52 as favorable  
1:59:10 PM Tab 4: SB 436  
1:59:20 PM Chair Martin passes gavel to Vice Chair Smith  
1:59:22 PM Vice Chair Smith

2:00:12 PM Vice Chair Smith recognizes Chair Martin to explain amendment 288848  
2:00:22 PM Chair Martin  
2:01:34 PM Vice Chair Smith  
2:01:43 PM Questions:  
2:01:46 PM Vice Chair Smith  
2:03:09 PM Chair Martin  
2:05:59 PM Vice Chair Smith  
2:06:22 PM Chair Martin  
2:06:43 PM Vice Chair Smith  
2:07:04 PM Sen Pizzo  
2:09:11 PM Chair Martin  
2:10:06 PM Sen Pizzo  
2:10:47 PM Chair Martin  
2:10:50 PM Sen Pizzo  
2:10:54 PM Chair Martin  
2:11:53 PM Sen Pizzo  
2:11:56 PM Chair Martin  
2:11:57 PM Sen Pizzo  
2:11:59 PM Chair Martin  
2:12:05 PM Vice Chair Smith  
2:12:47 PM Vice Chair Smith recognizes Chair Martin to explain the bill  
2:12:50 PM Chair Martin  
2:13:47 PM Vice Chair Smith  
2:13:50 PM Questions:  
2:13:54 PM Vice Chair Smith  
2:14:44 PM Chair Martin  
2:15:56 PM Vice Chair Smith  
2:16:25 PM Vice Chair Smith acknowledges waives speaking  
2:16:47 PM Debate:  
2:16:50 PM Sen Pizzo  
2:17:23 PM Vice Chair Smith  
2:19:15 PM Chair Martin closes on the bill  
2:19:59 PM Vice Chair Smith  
2:20:05 PM Roll call  
2:20:21 PM Vice Chair Smith reports on CS/SB 436 favorably  
2:20:50 PM Tab 8: SB 676  
2:21:01 PM Vice Chair Smith recognizes Sen Arrington to explain the bill  
2:21:03 PM Sen Arrington  
2:23:12 PM Vice Chair Smith  
2:23:24 PM Vice Chair Smith acknowledges waives speaking  
2:23:38 PM Vice Chair Smith recognizes Sen Arrington to close on the bill  
2:23:44 PM Sen Arrington  
2:23:48 PM Vice Chair Smith  
2:23:52 PM Roll call  
2:24:10 PM Vice Chair Smith reports SB 676 as favorable  
2:24:22 PM Tab 6: SB 536  
2:24:43 PM Vice Chair Smith recognizes Chair Martin to explain amendment 556058  
2:24:46 PM Chair Martin  
2:25:13 PM Questions:  
2:25:15 PM Sen Pizzo  
2:25:53 PM Chair Martin  
2:25:56 PM Sen Pizzo  
2:26:20 PM Chair Martin  
2:26:30 PM Sen Pizzo  
2:26:54 PM Chair Martin  
2:26:59 PM Sen Pizzo  
2:27:19 PM Chair Martin  
2:27:23 PM Vice Chair Smith  
2:27:30 PM Vice Chair Smith acknowledges waives speaking  
2:28:19 PM Questions:  
2:28:24 PM Sen Pizzo  
2:28:50 PM Vice Chair Smith

2:29:03 PM	Sen Pizzo
2:29:09 PM	Chair Martin
2:29:11 PM	Sen Pizzo
2:29:47 PM	Chair Martin
2:29:53 PM	Sen Pizzo
2:29:59 PM	Chair Martin
2:30:07 PM	Sen Pizzo
2:30:27 PM	Chair Martin
2:30:31 PM	Sen Pizzo
2:31:54 PM	Chair Martin
2:32:03 PM	Vice Chair Smith
2:32:15 PM	Sen Bernard
2:32:31 PM	Chair Martin
2:32:40 PM	Vice Chair Smith
2:32:58 PM	Vice Chair Smith acknowledges waives speaking
2:33:00 PM	Appearance Cards:
2:33:08 PM	Frin Ballas, Miami Dade Sheriff Office
2:34:46 PM	Sen Pizzo
2:35:09 PM	Ballas
2:35:25 PM	Sen Pizzo
2:35:41 PM	Ballas
2:35:50 PM	Sen Pizzo
2:36:45 PM	Ballas
2:36:50 PM	Sen Pizzo
2:36:55 PM	Ballas
2:37:06 PM	Sen Pizzo
2:37:37 PM	Ballas
2:37:42 PM	Sen Pizzo
2:37:47 PM	Ballas
2:37:58 PM	Sen Pizzo
2:39:06 PM	Ballas
2:39:07 PM	Sen Pizzo
2:39:36 PM	Vice Chair Smith
2:39:51 PM	Debate:
2:39:54 PM	Sen Simon
2:40:33 PM	Vice Chair Smith
2:40:36 PM	Sen Pizzo
2:41:16 PM	Vice Chair Smith recognizes Chair Martin to close on the bill
2:41:20 PM	Chair Martin
2:43:56 PM	Roll call
2:44:18 PM	Vic Chair Smith reports CS/SB 536 as favorable
2:44:24 PM	Vice Chair Smith passes gavel to Chair Martin
2:44:28 PM	Chair Martin
2:44:42 PM	Tab 3: SB 432
2:44:44 PM	Chair Martin recognizes Sen Yarborough to explain the bill
2:44:46 PM	Sen Yarborough
2:46:04 PM	Chair Martin
2:46:20 PM	Chair Martin acknowledges waives speaking
2:46:45 PM	Debate:
2:46:48 PM	Vice Chair Smith
2:47:36 PM	Chair Martin recognizes Sen Yarborough to close on the bill
2:47:40 PM	Sen Yarborough
2:48:29 PM	Roll call
2:48:41 PM	Chair Martin reports SB 432 as favorable
2:48:46 PM	Tab 5: SB 524
2:48:47 PM	Chair Martin recognizes Sen Simon to explain the bill
2:48:52 PM	Sen Simon
2:50:15 PM	Chair Martin
2:50:20 PM	Chair Martin acknowledges waives speaking
2:50:30 PM	Roll call
2:50:44 PM	Chair Martin reports SB 524 as favorable
2:50:50 PM	Tab 7: SB 590

<b>2:50:55 PM</b>	Chair Martin recognizes Sen Bradley to explain the bill
<b>2:51:05 PM</b>	Sen Bradley
<b>2:52:03 PM</b>	Chair Martin acknowledges waives speaking
<b>2:52:12 PM</b>	Roll call
<b>2:52:27 PM</b>	Chair Martin reports SB 590 as favorable
<b>2:52:37 PM</b>	Sen Pizzo motions to be recorded as voting yes on SB 524
<b>2:52:50 PM</b>	Chair Martin
<b>2:52:56 PM</b>	Adjournment