

Tab 1	SB 212 by McClain; Compare to CS/H 00045 Sexual Offenders and Sexual Predators				
261670	D	S	CJ, McClain	Delete everything after	01/16 03:21 PM
Tab 2	SB 656 by Bradley; Identical to H 00709 Internet Crimes Against Children Programs				
740992	A	S	CJ, Bradley	Delete L.26 - 75:	01/16 03:21 PM
Tab 3	SB 682 by Calatayud (CO-INTRODUCERS) Berman; Identical to H 00277 Violent Criminal Offenses				
559226	D	S	CJ, Calatayud	Delete everything after	01/16 03:23 PM
Tab 4	SB 810 by Simon; Identical to H 00745 Sealing of Criminal History Records				
632872	A	S	CJ, Simon	Delete L.176 - 194.	01/16 03:21 PM
Tab 5	SB 812 by Simon; Identical to H 00747 Public Records/Sealed Criminal History Records				
616754	A	S	CJ, Simon	Delete L.31 - 70:	01/16 03:22 PM
Tab 6	SB 890 by Martin; Battery by Strangulation				
842756	D	S	CJ, Martin	Delete everything after	01/16 03:22 PM
Tab 7	SB 892 by Martin; Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals				
Tab 8	SB 900 by Garcia; Identical to H 01447 Boating Safety				
964308	A	S	CJ, Garcia	Delete L.213:	01/16 03:22 PM
Tab 9	SB 928 by Martin; Identical to H 00445 Mandatory Remand to Custody upon Conviction of Dangerous Crimes				
772258	A	S	CJ, Martin	btw L.38 - 39:	01/16 03:22 PM
Tab 10	SB 1084 by DiCeglie; Similar to H 01055 Public Records/State Attorney's Office and Office of Statewide Prosecution Nonlegal Support Staff				
Tab 11	SB 1284 by Martin; Similar to H 00749 Arrest and Search Warrants				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, January 20, 2026

TIME: 3:30—5:30 p.m.

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 212 McClain (Compare CS/H 45)	Sexual Offenders and Sexual Predators; Revising residency restrictions for persons convicted of certain sexual offenses; revising requirements for a search of sexual predator or sexual offender registration information by a state agency or governmental subdivision before appointing or employing a person to work; revising special conditions for certain sexual offenders subject to conditional release supervision; revising standard conditions of probation or community control for certain sexual offenders, etc.	CJ 01/20/2026 JU RC
2	SB 656 Bradley (Identical H 709)	Internet Crimes Against Children Programs; Renaming the Online Sting Operations Grant Program created within the Department of Law Enforcement as the Internet Crimes Against Children Grant Program; revising the purpose of the grant program; creating the Internet Crimes Against Children Task Force Funding Program within the Department of Law Enforcement, etc.	CJ 01/20/2026 ACJ FP
3	SB 682 Calatayud (Identical H 277, Compare H 643, H 729, H 1105, S 858, S 1280, S 1644)	Violent Criminal Offenses; Citing this act as the "Domestic Emergency and Batterers Reform and Accountability Act"; requiring the emergency communications state plan to include a system or process to flag specified addresses; requiring emergency medical technicians and paramedics to complete training in the subject of domestic violence, dating violence, and strangulation for certification and recertification; authorizing, and in certain circumstances requiring, a court to order electronic monitoring in domestic violence cases; providing for enhanced penalties for a violation of an injunction for protection against domestic violence, etc.	CJ 01/20/2026 ACJ FP

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, January 20, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 810 Simon (Identical H 745, Compare H 747, Linked S 812)	Sealing of Criminal History Records; Providing that persons adjudicated guilty of certain misdemeanor offenses are eligible to petition a court to seal the criminal history record of such offenses; revising certain eligibility criteria to provide that a person is eligible to petition the court to seal a criminal history record if such person is no longer serving the sentence to which the petition to seal pertains; providing requirements for certain persons who seek the sealing of a criminal history record relating to an offense for which adjudication was withheld, etc. CJ 01/20/2026 ACJ RC	
5	SB 812 Simon (Identical H 747, Compare H 745, Linked S 810)	Public Records/Sealed Criminal History Records; Expanding an existing public records exemption to include sealed criminal history records of persons adjudicated guilty of certain nonviolent misdemeanor offenses; providing for future review and repeal of the expanded exemption; providing for reversion of specified statutory text if the exemption is not saved from repeal; providing a statement of public necessity, etc. CJ 01/20/2026 ACJ RC	
6	SB 890 Martin	Battery by Strangulation; Revising the elements of the offense of domestic battery by strangulation; creating the offense of battery by strangulation; providing criminal penalties; deleting the definitions of the terms "family or household member" and "dating relationship", etc. CJ 01/20/2026 ACJ FP	
7	SB 892 Martin	Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals; Revising the definitions of the terms "habitual felony offender," "habitual violent felony offender," "three-time violent felony offender," and "violent career criminal"; revising the procedures that a court must follow in separate proceedings to determine whether a defendant is a habitual felony offender, a habitual violent felony offender, a three-time violent felony offender, or a violent career criminal, etc. CJ 01/20/2026 ACJ FP	

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, January 20, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 900 Garcia (Identical H 1447)	Boating Safety; Revising the conditions upon which the Department of Highway Safety and Motor Vehicles must include a certain symbol on identification cards; requiring the department to issue original, renewal, or replacement identification cards that include a certain symbol in certain circumstances; authorizing the Fish and Wildlife Conservation Commission to provide the department with certain information relating to the applicant; providing a mandatory minimum sentence for a person who willfully commits such violation resulting in the death of another while boating under the influence (BUI), etc. CJ 01/20/2026 ATD FP	
9	SB 928 Martin (Identical H 445)	Mandatory Remand to Custody upon Conviction of Dangerous Crimes; Citing this act as "Missy's Law"; requiring a court to remand a person found guilty of a dangerous crime to custody immediately; requiring such person to remain in custody pending sentencing or further proceedings without the possibility of release on bond, etc. CJ 01/20/2026 ACJ RC	
10	SB 1084 DiCeglie (Similar H 1055)	Public Records/State Attorney's Office and Office of Statewide Prosecution Nonlegal Support Staff; Defining the term "state attorney's office or Office of Statewide Prosecution nonlegal support staff"; providing an exemption from public records requirements for the personal identifying and location information of current state attorney's office and Office of Statewide Prosecution nonlegal support staff and the spouses and children of such staff; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CJ 01/20/2026 GO RC	

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, January 20, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1284 Martin (Similar H 749)	Arrest and Search Warrants; Authorizing a judge to issue an arrest warrant or issue a summons or a notice to appear in lieu of an arrest warrant under specified circumstances if a complaint alleges only the commission of a misdemeanor offense; authorizing, rather than requiring, a trial court judge to issue a summons under specified circumstances when a complaint is for a misdemeanor that the trial court judge is not empowered to try summarily; expanding the circumstances under which an arrest by an officer without a warrant is lawful to include when there is probable cause to believe that a person has committed a criminal act in violation of an injunction for protection against stalking or cyberstalking or has committed an act that constitutes driving under the influence or boating under the influence, etc.	CJ 01/20/2026 JU RC

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 212

INTRODUCER: Senator McClain

SUBJECT: Sexual Offenders and Sexual Predators

DATE: January 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Pre-meeting
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 212 amends ss. 775.215, F.S., 947.1405, F.S. and 948.001, F.S., relating to persons convicted of committing sexual offenses, to:

- Prohibit a person who was convicted of specified sexual offenses in which the victim was under 16 years of age from residing within 1,000 feet of a public swimming pool or public bathing place.
- Prohibit a person who is on probation,¹ community control,² or conditional release³ for committing a specified sexual offense in which the victim was under 18 from:
 - Living within 1,000 feet of a public swimming pool or public bathing place;
 - Working or volunteering at a public swimming pool or public bathing place; or
 - Visiting a public swimming pool or public bathing place.

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision to conduct a search of a person's name or other identifying information against the registration information for sexual predators and sexual offenders on a national or state website prior to a person's employment, regardless of compensation, at a public swimming pool or public bathing place.

The bill also amends s. 514.011, F.S., to revise the definition of "public swimming pool" and "public bathing place" to include a spray pool or splash pad and updates the term "day care facility" to child care facilities.

Definitions for "public swimming pool" and "public bathing place" are added to s. 947.005, F.S., which provides definitions relating to the Florida Commission on Offender Review (FCOR).

¹ Section 948.001(8), F.S.

² Section 948.001(3), F.S.

³ Section 947.1405, F.S.

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

The bill takes effect on July 1, 2026.

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles, and law enforcement officials.⁴ Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁵ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁶

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁷ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes,⁸ and are implemented through the combined efforts of the FDLE, all Florida sheriffs, the DOC, the Department of Juvenile Justice, the Department of Highway Safety and Motor Vehicles, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:⁹

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;¹⁰
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.¹¹

⁴ Florida Department of Law Enforcement, *Sexual Offender and Predator System*, available at <https://offender.fdle.state.fl.us/offender/sops/search.jsf>, (last visited on January 14, 2026).

⁵ Sections 775.21, and 943.0435, F.S.

⁶ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁷ Sections 775.21 and 943.0435, F.S.

⁸ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

⁹ Section 775.21, F.S.

¹⁰ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

¹¹ Sections 775.21(4) and (5), F.S., The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to

A person is classified as a sexual offender if the person:¹²

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration, community or public notification in another state or jurisdiction, or is in the custody, control, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹³

Sex Offender Recidivism

Sex crimes have historically been difficult to measure due to the nature of the crimes, underreporting and timeframes surrounding the crimes. These factors contribute to the complex nature of measuring offenses and rates of recidivism. Sexual recidivism rates vary widely, ranging from 5% after three years to 24% after 15 years.¹⁴

The DOC defines recidivism as a return to prison, as the result of either a new conviction or a violation of post-prison supervision, within three years of their prison release date. The 2025 Recidivism Report reflects the following for inmates incarcerated with the primary offense of a sexual/lewd behavior:

- 8.4% of inmates reoffend within 12 months of release,
- 8.8% of inmates reoffend within 24 months of release,
- 6.1% of inmates reoffend within 36 months of release.¹⁵

Residency Restrictions for Persons Convicted of Certain Sexual Offenses

A person who has been convicted in Florida of committing a specified sexual offense that occurred on or after October 1, 2004, or who was convicted of committing an offense in another jurisdiction that is similar to a specified sexual offense that occurred on or after May 26, 2010, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age may not reside within 1,000 feet of any:

- School;¹⁶

their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹² Section 943.0435, F.S.

¹³ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S.; Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

¹⁴ U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Chapter 5: Adult Sex Offender Recidivism*, available at <https://smart.ojp.gov/somapi/chapter-5-adult-sex-offender-recidivism> (last visited on January 14, 2026).

¹⁵ Florida Department of Corrections, *Florida Prison Recidivism Report: Releases from 2010 to 2022*, available at <https://fdc-media.ccplatform.net/content/download/42673/file/Recidivism%20Report%202020%20Cohort.pdf> (last visited on January 14, 2026).

¹⁶ "School" means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education, and includes a private school as defined in s. 1002.01, F.S., a voluntary prekindergarten program as described in s. 1002.53(3), F.S., a public school as described in s. 402.3025(1), F.S., the Florida School for the Deaf and the Blind, and the Florida Virtual School

- Child-care facility;¹⁷
- Park;¹⁸ or
- Playground.¹⁹

A person does not violate this section and may not be forced to relocate if he or she is living in a residence that meets the requirements of this section and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

Specified sexual offenses that subject a person to residency restrictions include the following, provided the victim of the offense was less than 16 years old:

- Sexual battery under s. 794.011, F.S.
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.
- Lewd or lascivious exhibition using a computer under s. 847.0135(5), F.S.
- Selling or buying minors to engaged in sexually explicit conduct under s. 847.0145, F.S.

A violation is punishable as a:

- Third degree felony²⁰ if the underlying sexual offense was classified as a first degree felony²¹ or higher; or
- First degree misdemeanor²² if the underlying sexual offense was classified as a second²³ or third degree felony.

established under s. s. 1002.37, F.S., but does not includes facilities designated exclusively to the education of adults. s. 775.215(1)(d), F.S.

¹⁷ “Child care facility” means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- Summer camps having children in full-time residence;
- Summer day camps;
- Bible schools normally conducted during vacation periods; and
- Operators of transient establishments, as defined in ch. 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of ch. 435, F.S. and s. 775.215(1)(a), F.S.

¹⁸ “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate. s. 775.215(1)(b), F.S.

¹⁹ “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures. s. 775.215(1)(c), F.S.

²⁰ A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in ss. 775.082, 775.083, and 775.083, F.S.

²¹ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. When specifically provided by statute, a first degree felony may be punished by imprisonment for a term of years not exceeding life imprisonment. Sections 775.082 and 775.083, F.S.

²² A first degree misdemeanor is punishable by not more than one year in a county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

²³ A second degree felony is punishable by a term of imprisonment not exceeding 30 years and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

A large number of cities and counties have passed local ordinances designed to restrict where people who have been convicted of a sexual offense can live. Generally, the ordinances extend the distance from 1,000 feet to 2,500 feet. Many of the ordinances also prohibit an offender from living within 2,500 feet of places such as libraries, churches and bus stops that are not included in the state statute.

The Lauren Book Child Safety Ordinance, deems it unlawful for any person that has established residency on or after November 25, 2005, and has been convicted of a sexual battery, lewd and lascivious act on/in the presence of persons under age 16, sexual performance by a child, sexual acts transmitted over computer, or selling or buying of minors for portrayal in sexually explicit conduct, in which the victim of the offense was less than sixteen (16) years of age, or similar law of another jurisdiction, to reside within 2,500 feet of any school within Miami-Dade County.²⁴

In April 2025, Clewiston city council passed an ordinance requiring sex offenders to live at least 2,500 feet from schools, parks, and playgrounds.²⁵

Probation and Community Control

Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.²⁶ Community control is a form of intensive supervised custody of an offender who remains in the community, but whose freedom is restricted within the home, community, or noninstitutional residential placement and includes specific sanctions and monitoring by probation officers with restricted caseloads.²⁷

Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law.²⁸ The court may also impose special conditions, such as community service hours, regular drug or alcohol testing, no contact orders, and treatment programs.²⁹ Failure to meet any condition of supervision is a violation of probation or community control (VOP).

Generally, upon a finding that an offender violated probation or community control, the court may revoke, modify, or continue supervision.³⁰ If the court revokes supervision, it may impose any sentence that was permissible at the offender's initial sentencing.³¹

²⁴ Miami-Dade Sheriff's Office, *Sexual Predator and Offender Registration*, available at https://www.miamidade.gov/global/service.page?Mduid_service=ser1522959874956151 (last visited January 8, 2026).

²⁵ Fox 4 Southwest Florida, 'Not welcome here': Clewiston passes law to keep sex offenders farther away from schools, available at https://www.fox4now.com/clewiston/not-welcome-here-clewiston-passes-law-to-keep-sex-offenders-farther-away-from-schools#google_vignette (last visited January 8, 2026).

²⁶ Section 948.001(8), F.S.

²⁷ Section 948.001(3), F.S.

²⁸ Section 948.03(1), F.S.

²⁹ Section 948.03(2), F.S.

³⁰ Section 948.06(2)(a), F.S.

³¹ Section 948.06(2)(b), F.S.

If a violent felony offender of special concern (VFOSC)³² commits a VOP and the court finds the VFOSC poses a danger to the community, the court must revoke probation and sentence the offender up to the statutory maximum, or longer if permitted by law.³³

When a person is arrested for committing a crime, he or she is generally entitled to pretrial release on reasonable conditions under the Florida Constitution.³⁴ However, a person taken into custody for a VOP does not have a constitutional right to release pending the disposition of the VOP.³⁵ If the offender qualifies as a VFOSC, the court is prohibited from granting pretrial release.³⁶

Probation

The court determines the terms and conditions of probation.³⁷ Section 948.03, F.S., provides standard conditions of probation;³⁸ however, a court may sentence an offender to special terms and conditions at the time of sentencing. Standard conditions of probation include:

- Reporting to the probation officer as directed.
- Permitting the probation officer to visit the probationer at his or her home.
- Working faithfully at suitable employment, when possible.
- Residing at a specified place.
- Living without violating the law.
- Paying restitution to any aggrieved party for the damage or loss caused by a probationer's offense.
- Being prohibited from possessing, carrying, or owning a firearm or weapon, without the probation officer's consent.
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics.³⁹

Community Control

In addition to the standard conditions which apply to normal probationers, an offender on community control must:

- Maintain specified contact with his or her parole or probation officer;
- Be confined to an agreed-upon residence during any hours he or she is away from work or public service activities;
- Complete mandatory public service; and
- Be supervised by the DOC by means of an electronic monitoring device or system.⁴⁰

³² A VFOSC is an offender who commits a specified qualifying offense or is in a special status like habitual violent felony offender and meets other specified criteria. Examples of qualified offenses include murder, kidnapping, and sexual battery. For a complete list of criteria, see s. 948.06(8), F.S.

³³ Section 948.06(8)(e)2.a., F.S.

³⁴ Art. I, s. 14, Fla. Const. Exceptions include when a person is charged with a capital offense or offense punishable by life and the proof of guilt is evident or the presumption is great, or if no conditions can reasonably protect the community from risk of physical harm.

³⁵ *Bernhardt v. State*, 288 So. 2d 490, 497 (Fla. 1974).

³⁶ Section 903.0351(1)(a), F.S.

³⁷ Section 948.03, F.S.

³⁸ Section 948.03(1)(a-l), F.S. Standard conditions include, in part, reporting to the probation officer as directed, permitting visits by the probation officer, work at suitable employment, and live without violating any law.

³⁹ Section 948.03(1), F.S.

⁴⁰ Section 948.101(3), F.S.

Probation or Community Control for Persons Convicted of Certain Sexual Offenses

A court is required to impose additional conditions of supervision on a person who is sentenced to probation or community control after being convicted of committing, or attempting, soliciting, or conspiring⁴¹ to commit one of the following sexual offenses:

- Human trafficking using coercion or human trafficking of a child under 18 for commercial sexual activity under s. 787.06(3)(b), (d), (f), and (g), F.S.⁴²
- Sexual battery under ch. 794, F.S.;
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.;
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.;
- Lewd or lascivious exhibition over the Internet under s. 847.0135, F.S.; and
- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.⁴³

Conditional Release

Conditional release requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or court designated sexual predator. Unlike parole, conditional release is not discretionary release.⁴⁴ Conditional release is a form of probation in which a person who has been released from prison after completing the incarcerative portion of his or her sentence remains under close supervision of the DOC.⁴⁵ The determination of whether an inmate is subject to conditional release supervision after his or her release depends on the offense committed by the inmate, the inmate's prior criminal history, and the date the inmate committed the offense.

If a person violates the terms and conditions of his or her conditional release, the person is arrested and held pending a review by the FCOR. If the FCOR determines that the person committed a violation, the FCOR may either revoke his or her conditional release and return the person to prison to serve the remainder of his or her sentence, reinstate the conditional release order, or enter another order as the FCOR deems appropriate, such as sentencing the person to serve the remainder of his or her prison sentence in a county detention facility in lieu of a state prison.⁴⁶

Registration Search

A state agency or governmental subdivision must, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that

⁴¹ Section 948.30(1), F.S.

⁴² *Id.*

⁴³ Section 948.30, F.S.

⁴⁴ Florida Commission on Offender Review, *Conditional Release*, available at <https://www.fcor.state.fl.us/release/release-types#conditionalRelease> (last visited January 14, 2026).

⁴⁵ Section 947.1405, F.S.

⁴⁶ Section 947.141, F.S.

person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjojin National Sexual Offender Public Website maintained by the United States Department of Justice.⁴⁷

Public Swimming Pools and Bathing Places

“Public swimming pool” or “public pool” means a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith.

A public swimming pool or public pool also includes a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.⁴⁸

“Public bathing place” means a body of water, natural or modified by humans, for swimming, diving, and recreational bathing used by consent of the owner or owners and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of the state.⁴⁹

Currently, there is statutory provision that prohibits registered sex offenders from accessing public swimming pools, public pools or public bathing places.

III. Effect of Proposed Changes:

Residency Requirements of Sex Offenders

The bill amends s. 775.215, F.S., to prohibit a person from residing within 1,000 feet of any public swimming pool or public bathing place if:

- He or she has been convicted of committing specified sexual offenses⁵⁰ in Florida, or an offense in another jurisdiction that is similar to such specified sexual offense, regardless of whether adjudication has been withheld,
- The victim was less than 16 years of age.

⁴⁷ Section 943.04351, F.S.

⁴⁸ Section 514.011, F.S.

⁴⁹ Section 514.011, F.S.

⁵⁰ Sections 794.011, F.S., Sexual Battery, 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, 827.071, F.S., Sexual performance by a child, 847.0135(5), F.S., Computer pornography, or 847.0145, F.S., Selling or buying of minors.

A person who is subject to the residency restrictions in the bill would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence.

Conditional Release

The bill amends s. 947.1405, F.S., to require that any person who has been convicted of committing specified sexual offenses committed on or after October 1, 1995, involving a victim who is under the age of 18 and who is serving conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool or public bathing place, although such person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool or public bathing place.

A person who has been convicted of committing any crime that occurred on or after May 26, 2010, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring sexual offender designation in which the victim was under age 18 and who is serving conditional release supervision may not visit a public swimming pool or public bathing place without the prior approval of his or her supervising officer.

Probation and Community Control

The bill amends s. 948.30, F.S., to require that any person who has been convicted committed on or after October 1, 1995, of committing specified sexual offenses involving a victim who is under the age of 18 and who is subject to conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool or public bathing place, although such person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool or public bathing place.

A person who has been convicted of committing any crime that occurred on or after May 26, 2010, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring sexual offender designation in which the victim was under age 18 and who is subject to conditional release supervision may not visit a public swimming pool or public bathing place without the prior approval of his or her supervising officer.

Working/Volunteering at a Public Pool or Bathing Place

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision, prior to making a decision to appoint or employ a person to work or volunteer at a public swimming pool or public bathing place to conduct a search of such person's name or other identifying information against the registration information regarding sexual predators and sexual offenders

through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice or, if such website is unavailable, a search of the registration information regarding sexual predators and sexual offenders maintained by the FDLE. A state agency or governmental subdivision is not required to conduct such a search if the position requires a state and national criminal history background check.

The bill also amends s. 514.011, F.S., to revise the definition of “public swimming pool” and “public bathing place” to include a spray pool or splash pad and updates the term “day care facility” to child care facilities. These definitions are added to ss. 715.215 and 948.001, F.S.

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:

Restrictions that apply retroactively to individuals convicted before the effective date of the bill, may be challenged as punitive in nature and may violate the Ex Post Facto Clauses of the U.S. Constitution (Article I, Section 10) and the Florida Constitution (Article I, Section 10). The bill has provisions relating to working or volunteering at a public pool or public bathing place that appear to be applicable to any specified offense committed on or after October 1, 1995.

Under the Fourteenth Amendment and Article I, Section 9 of the Florida Constitution, restrictions that significantly limit where an individual may live or work may be challenged as infringing on liberty interests.

The bill adds additional residential requirements on sexual offenders to further define allowable living arrangements. Restrictions were addressed in *Doe v. Snyder*,⁵¹ which found Michigan's residency restrictions punitive when applied retroactively. Florida courts, such as in *State v. Robinson*,⁵² have generally upheld registration requirements as non-punitive but recognize that significant limitations on residency may implicate constitutional concerns.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

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

- Per the DOC, in FY 24-25, there were 5,589 offenders returned to prison for conditional release, probation, and community control violations. As of October 10, 2025, there was a population of 6,124 offenders under supervision who could potentially be impacted by this new language, though it is not known how many would commit future violations under this language.⁵³

VI. Technical Deficiencies:

The language in the bill is adding the conditions retroactively and they should be applied prospectively.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 514.011, 775.215, 943.04351, 947.005, 947.005, 947.1405, 948.001, and 948.30

⁵¹ *Doe v. Snyder*, 834 F.3d 696 (6th Cir. 2016)

⁵² *State v. Robinson*, 873 So. 2d 1205 (Fla. 2004)

⁵³ Office of Economic and Demographic Research, *SB 212- Sexual Offenders and Sexual Predators*, (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraph (d) of subsection (1) of
section 775.215, Florida Statutes, is redesignated as paragraph
(f), a new paragraph (d) and paragraph (e) are added to that
subsection, subsection (4) is added to that section, and
paragraph (c) of subsection (2) and paragraph (c) of subsection
(3) of that section are amended, to read:



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775.215 Residency restriction for persons convicted of certain sex offenses.—

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

(d) "Public bathing place" means a body of water, natural or modified by humans, that is regularly used by the public for swimming, diving, or recreational bathing with the consent of the owner or owners and that is held out to the public by any person or public body as being available for such use, irrespective of whether a fee is charged for the use thereof. The term includes the shoreline or land area immediately adjacent to the public bathing place, as well as any buildings on such property.

(e) "Public swimming pool" means a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool means a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the public swimming pool is limited by a gate or other method of controlling access. The term includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, parks, state agencies, schools, subdivisions, apartments, hotels, motels, mobile home parks, recreational vehicle parks, and townhouses. The term does not include a swimming pool at a private single-family residence or a swimming pool at a facility



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where the operator prohibits the use of such pool by persons under 18 years of age.

(2)

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occurred ~~occur~~ on or after October 1, 2004, and before July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, and before July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(4) (a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim was younger than 16 years of age at the time of the offense, or who has been convicted of a similar offense in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim was younger than 16 years of age at the time of the offense, may not reside within 1,000 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of



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this subsection and a school, child care facility, park, public swimming pool, public bathing place, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher or whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree or whose conviction in another jurisdiction was substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to:

1. A person convicted of a violation described in paragraph (a) for offenses that occurred on or after July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

2. A person who is subject to the residency restrictions in subsection (2) or subsection (3) who changes his or her place of residence on or after July 1, 2026.

Section 2. Section 775.216, Florida Statutes, is created to read:



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775.216 Restricted locations for persons convicted of certain sex offenses.—

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

(a) "Child care facility" has the same meaning as in s. 402.302.

(b) "Park," "playground," "public bathing place," "public swimming pool," or "school" has the same meanings as in s. 775.215.

(2) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim was less than 16 years of age at the time of the offense, or who has been convicted of a similar offense in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim was less than 16 years of age at the time of the offense, may not visit or otherwise be within 200 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground.

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

(4) This section does not apply to a person who:

(a) Has been removed from the requirement to register as a sexual offender or sexual predator under s. 943.04354.

(b) Is actively traveling past a location described in subsection (1) while in transit to another destination.

(c) Is dropping off or picking up his or her child or grandchild from a child care facility or school, or is visiting his or her child's or grandchild's child care facility or



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school, subject to the requirements in s. 856.022(4)(b).

(d) Is visiting or otherwise within 200 feet of a location described in subsection (1) for the sole purpose of:

1. Attending a religious service as defined in s. 775.0861.

2. Voting, if such person is present during the hours designated for voting.

3. Conducting official business at a local, state, or federal government building.

Section 3. Paragraph (b) of subsection (4) of section 856.022, Florida Statutes, is amended to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

(4)

(b) It is unlawful for a person described in subsection (1) to knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12 or on real property comprising any child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation, if such person fails to:

1. Provide written notification that he or she is a sexual offender or sexual predator of his or her intent to be present to the school board, superintendent, principal, or child care facility owner and that he or she intends to be present at the school or child care facility;

2. Notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; or

3. Remain under direct supervision of a school official or



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designated chaperone when present in the vicinity of children.
As used in this paragraph, the term "school official" means a principal, a school resource officer, a teacher or any other employee of the school, the superintendent of schools, a member of the school board, a child care facility owner, or a child care provider.

Section 4. Paragraph (h) is added to subsection (9) of section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

(h) A violation of s. 775.216 by visiting or otherwise being within 200 feet of a school, child care facility, park, public swimming pool, public bathing place, or playground after he or she was convicted of committing specified sexual offenses against a victim who was under 16 at the time of the offense.

Section 5. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding sexual predators and sexual offenders required before appointment or employment.—A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, public swimming pool, public bathing place, child care facility ~~day care center~~, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the



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registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 shall be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Section 6. Present subsections (10) through (15) of section 947.005, Florida Statutes, are redesignated as subsections (12) through (17), respectively, and new subsections (10) and (11) are added to that section, to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(10) "Public bathing place" has the same meaning as provided in s. 775.215.

(11) "Public swimming pool" has the same meaning as provided in s. 775.215.

Section 7. Subsections (15) and (16) are added to section 947.1405, Florida Statutes, to read:

947.1405 Conditional release program.—

(15) Effective for a releasee who is convicted of a crime committed on or after July 1, 2026, or who has been previously convicted of a crime committed on or after July 1, 2026, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, against a victim who was under 18 years of age at the time of the offense, in addition to any other provision



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of this section, the commission shall impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool or public bathing place. A releasee who is subject to this paragraph may not be forced to relocate and does not violate his or her conditional release supervision if he or she is living in a residence that meets the requirements of this paragraph and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence.

(b) A prohibition on working for pay or as a volunteer at any public swimming pool or public bathing place.

(16) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that is committed on or after July 1, 2026, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar violation of law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar violation of law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose a condition prohibiting the releasee from visiting a public swimming pool or public



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bathing place without prior approval from his or her supervising officer.

Section 8. Present subsections (9) through (13) of section 948.001, Florida Statutes, are redesignated as subsections (11) through (15), respectively, and new subsections (9) and (10) are added to that section, to read:

948.001 Definitions.—As used in this chapter, the term:
(9) “Public bathing place” has the same meaning as provided in s. 775.215.

(10) “Public swimming pool” has the same meaning as provided in s. 775.215.

Section 9. Subsections (6) and (7) are added to section 948.30, Florida Statutes, to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(6) In addition to all other conditions imposed, for a probationer or community controllee whose crime is committed on or after July 1, 2026, and who is placed on supervision for committing, or attempting, soliciting, or conspiring to commit, a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794; s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a victim who was under 18 years of age at the time of the offense, the court shall impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool or public bathing place. A probationer or



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community controllee who is subject to this paragraph may not be forced to relocate and does not violate his or her probation or community control if he or she is living in a residence that meets the requirements of this paragraph and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence.

(b) A prohibition on working for pay or as a volunteer at any public swimming pool or public bathing place.

(7) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that is committed on or after July 1, 2026, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense, if the offender has not received a pardon for any felony or similar violation of law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar violation of law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose a condition prohibiting the probationer or community controllee from visiting a public swimming pool or public bathing place without prior approval from his or her supervising officer.

Section 10. This act shall take effect July 1, 2026.



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

And the title is amended as follows:

 Delete everything before the enacting clause
and insert:

 A bill to be entitled

 An act relating to sexual offenders and sexual
predators; amending s. 775.215, F.S.; defining the
terms "public bathing place" and "public swimming
pool"; revising residency restrictions for persons
convicted of certain sexual offenses; providing
penalties; providing applicability; creating s.
775.216, F.S.; defining terms; prohibiting persons
convicted of certain sexual offenses from visiting or
otherwise being within 200 feet of specified
locations; providing penalties; providing exceptions;
amending s. 856.022, F.S.; requiring a sexual offender
or sexual predator to notify a school or child care
facility of his or her status in certain
circumstances; amending s. 901.15, F.S.; authorizing
the warrantless arrest of a person if a law
enforcement officer has probable cause to believe the
person visited or was within 200 feet of specified
prohibited locations after he or she was previously
convicted of committing specified sexual offenses
against a victim under 16; amending s. 943.04351,
F.S.; revising requirements for a search of sexual
predator or sexual offender registration information
by a state agency or governmental subdivision before
appointing or employing a person to work at specified



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locations; amending s. 947.005, F.S.; defining the terms "public bathing place" and "public swimming pool"; amending s. 947.1405, F.S.; revising special conditions for certain sexual offenders subject to conditional release supervision for offenses committed on or after a specified date; amending s. 948.001, F.S.; defining the terms "public bathing place" and "public swimming pool"; amending s. 948.30, F.S.; revising conditions of probation or community control for certain sexual offenders for offenses committed on or after a specified date; providing an effective date.

By Senator McClain

9-00401-26

2026212__

A bill to be entitled

An act relating to sexual offenders and sexual predators; amending s. 514.011, F.S.; revising the definitions of the terms "public swimming pool" and "public pool"; amending s. 775.215, F.S.; defining the terms "public bathing place" and "public swimming pool"; revising residency restrictions for persons convicted of certain sexual offenses; amending s. 943.04351, F.S.; revising requirements for a search of sexual predator or sexual offender registration information by a state agency or governmental subdivision before appointing or employing a person to work; amending s. 947.005, F.S.; defining the terms "public bathing place" and "public swimming pool"; amending s. 947.1405, F.S.; revising special conditions for certain sexual offenders subject to conditional release supervision; amending s. 948.001, F.S.; defining the terms "public bathing place" and "public swimming pool"; amending s. 948.30, F.S.; revising standard conditions of probation or community control for certain sexual offenders; providing an effective date.

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

Section 1. Subsection (2) of section 514.011, Florida Statutes, is amended to read:

514.011 Definitions.—As used in this chapter:

(2) "Public swimming pool" or "public pool" means a

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

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watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool or public pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, child care facilities ~~day care centers~~, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.

Section 2. Present paragraph (d) of subsection (1) of section 775.215, Florida Statutes, is redesignated as paragraph (f) of that subsection, a new paragraph (d) and paragraph (e) are added to that subsection, and paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of that section are amended, to read:

775.215 Residency restriction for persons convicted of certain sex offenses.—

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

(d) "Public bathing place" has the same meaning as provided in s. 514.011(4).

(e) "Public swimming pool" has the same meaning as provided

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

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in s. 514.011(2).

(2) (a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, public swimming pool, public bathing place, or playground is subsequently established within 1,000 feet of his or her residence.

(3) (a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, public swimming pool, public bathing place, or playground is subsequently established within 1,000 feet of his or her residence.

Section 3. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding

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

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sexual predators and sexual offenders required before appointment or employment.—A state agency or governmental subdivision, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, public swimming pool, public bathing place, child care facility ~~day care center~~, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 shall be performed. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Section 4. Present subsections (10) through (15) of section 947.005, Florida Statutes, are redesignated as subsections (12) through (17), respectively, and new subsections (10) and (11) are added that section, to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(10) "Public bathing place" has the same meaning as provided in s. 514.011(4).

(11) "Public swimming pool" has the same meaning as provided in s. 514.011(2).

Section 5. Paragraph (a) of subsection (7) and paragraph

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(a) of subsection (12) of section 947.1405, Florida Statutes, are amended to read:

947.1405 Conditional release program.—

(7) (a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

1. A mandatory curfew from 10 p.m. to 6 a.m. The commission may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the commission determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, public swimming pool, public bathing place, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within 1,000 feet of a school, child care facility, park, playground, public swimming pool, public bathing place, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall

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notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision. A releasee who is subject to this subparagraph may not be forced to relocate and does not violate his or her conditional release supervision if he or she is living in a residence that meets the requirements of this subparagraph and a school, child care facility, park, playground, public swimming pool, public bathing place, designated public school bus stop, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

3. Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the releasee's own expense. If a qualified practitioner is not available within a 50-mile radius of the releasee's residence, the offender shall participate in other appropriate therapy.

4. A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved

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by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

5. If the victim was under the age of 18, a prohibition against contact with children under the age of 18 without review and approval by the commission. The commission may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The commission may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the commission must review and consider the following:

a. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

(I) The sex offender's current legal status;

(II) The sex offender's history of adult charges with apparent sexual motivation;

(III) The sex offender's history of adult charges without apparent sexual motivation;

(IV) The sex offender's history of juvenile charges, whenever available;

(V) The sex offender's offender treatment history, including a consultation from the sex offender's treating, or

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most recent treating, therapist;

(VI) The sex offender's current mental status;

(VII) The sex offender's mental health and substance abuse history as provided by the Department of Corrections;

(VIII) The sex offender's personal, social, educational, and work history;

(IX) The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

(X) A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

(XI) The child's preference and relative comfort level with the proposed contact, when age-appropriate;

(XII) The parent's or legal guardian's preference regarding the proposed contact; and

(XIII) The qualified practitioner's opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child.

The written report of the assessment must be given to the commission.

b. A recommendation made as a part of the risk-assessment report as to whether supervised contact with the child should be approved;

c. A written consent signed by the child's parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex

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offender's present legal status, past criminal history, and the results of the risk assessment. The commission may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;

d. A safety plan prepared by the qualified practitioner, who provides treatment to the offender, in collaboration with the sex offender, the child's parent or legal guardian, and the child, when age appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the Department of Corrections before being submitted to the commission; and

e. Evidence that the child's parent or legal guardian, if the parent or legal guardian is not the sex offender, understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender.

The commission may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the commission that he or she has met the requirements of a qualified practitioner as defined in this section.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children regularly congregate, as prescribed by the commission.

7. Unless otherwise indicated in the treatment plan

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provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8. Effective for a releasee whose crime is committed on or after July 1, 2005, a prohibition on accessing the Internet or other computer services until a qualified practitioner in the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.

9. A requirement that the releasee must submit two specimens of blood to the Department of Law Enforcement to be registered with the DNA database.

10. A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

11. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(12) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another

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jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds without prior approval from the releasee's supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, public swimming pool, public bathing place, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee's child or grandchild at a child care facility or school.

Section 6. Present subsections (9) through (13) of section 948.001, Florida Statutes, are redesignated as subsections (11) through (15), respectively, and new subsections (9) and (10) are added to that section, to read:

948.001 Definitions.—As used in this chapter, the term:

(9) "Public bathing place" has the same meaning as provided in s. 514.011(4).

(10) "Public swimming pool" has the same meaning as

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provided in s. 514.011(2)

Section 7. Paragraphs (b) and (f) of subsection (1) and paragraph (a) of subsection (4) of section 948.30, Florida Statutes, are amended to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(1) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, or whose crime was committed on or after July 1, 2021, and who are placed under supervision for a violation of s. 787.06(3)(b), (d), (f), or (g), or whose crime was committed on or after July 1, 2023, and who are placed under supervision for attempting, soliciting, or conspiring to commit a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794; s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest

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boundary line of the school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route. A probationer or community controllee who is subject to this paragraph may not be forced to relocate and does not violate his or her probation or community control if he or she is living in a residence that meets the requirements of this paragraph and a school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, public swimming pools, public bathing places, pet stores, libraries, zoos, theme parks, and malls.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of

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another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, public swimming pool, public bathing place, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

Section 8. This act shall take effect July 1, 2026.

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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.)

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

BILL: SB 656

INTRODUCER: Senator Bradley

SUBJECT: Internet Crimes Against Children Programs

DATE: January 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 656 amends s. 943.0411, F.S., to change the Online Sting Operations Grant Program for local law enforcement to the “Internet Crimes Against Children Grant Program” to award grants to local law enforcement affiliates to support their work to combat online child exploitation and to target individuals preying upon children online or attempting to prey upon children online.

The Florida Department of Law Enforcement (FDLE) must annually award local law enforcement affiliates any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensic training, hardware and software. Grants must be provided to local law enforcement agencies if funds are appropriated for that purpose of law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill creates s. 943.0421, F.S., naming the act “Florida Internet Crimes Against Children Task Force Funding Program Act.” The bill provides that the Legislature intends to create an account dedicated to combating Internet crimes against children, promoting education on Internet safety to minors and to the public, and rescuing child victims from abuse and exploitation. Funding for the program will consist of funds appropriated by the Legislature.

The funds may be used only to support the administration and activities of law enforcement agencies in their efforts to combat internet crimes against children. Money appropriated to the program must be distributed with eighty percent divided equally among the task forces and twenty percent to the FDLE.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison beds) on the Florida Department of Law Enforcement. *See Section V., Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

Online Crimes Against Children

Local law enforcement agencies routinely conduct sting operations targeting online predators who intend to commit crimes against children. A “sting operation” generally consists of an opportunity to commit a crime, a likely offender or group of offenders targeted by law enforcement, an undercover or hidden law enforcement officer or surrogate, and the eventual arrest of the likely offender or group of offenders.¹

Sting operations in Florida are typically orchestrated by local law enforcement agencies, sometimes in cooperation with federal agencies like the FBI or ICE. The process generally starts with law enforcement officers setting up fake online profiles, posing as underage minors or as adults willing to arrange meetings with minors. These officers use social media platforms, dating apps, and various online forums to interact with individuals.²

On January 13, 2026, A Leon County high school basketball coach was arrested in an undercover operation conducted by the FDLE after investigators say he believed he was chatting with a 15-year-old girl online, part of Florida’s ongoing crackdown on child exploitation.³

On December 15, 2025, the FDLE arrested Martin Theodore Cassady, 60, and Jorge Nieto, 39, charging each with 40 counts of possession of child sexual abuse material. These arrests are the result of the FDLE’s statewide efforts to locate and arrest criminals targeting children and sharing files depicting the sexual abuse of children. The FDLE’s investigation into Cassady began in April after the FDLE Cybercrime Task Force agents received a cybertip from the National Center for Missing and Exploited Children (NCMEC) that an internet user uploaded and shared over 1,500 digital images and video files depicting the sexual abuse of children into an email account. While conducting a search warrant, agents seized an anatomically correct, child-like sex doll that was in Cassady’s possession at the time of the search warrant. The FDLE Cybercrime Task Force consists of agents from the Altamonte Springs Police Department, Apopka Police Department, Kissimmee Police Department, Lake County Sheriff’s Office, Ocoee Police Department and the Sanford Police Department.⁴

On July 30, 2025, Attorney General James Uthmeier announced the arrest of 48 individuals, including six foreign nationals flagged with ICE detainers, following a six-day undercover

¹ United States Department of Justice *Sting Operations*, Graeme R. Newman available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/sting-operations> (last visited January 14, 2026).

² Musca Law *Understanding How Child Sex Sting Operations Work in Florida* available at <https://www.muscalaw.com/blog/understanding-how-child-sex-sting-operations-work-florida> (last visited January 14, 2026).

³ ABC News 3, *Florida high school girls’ basketball coach arrested after sting targeting child predators* by Skyler Shepard, available at <https://weartv.com/news/local/florida-high-school-girls-basketball-coach-arrested-after-sting-targeting-child-predators-florida-department-of-law-enforcement-south-florida-treasure-coast-news-leon-county-january-13-2026> (last visited January 14, 2026).

⁴ Florida Department of Law Enforcement *FDLE Arrests Multiple in Child Sexual Abuse Material Investigations*, available at <https://www.fdle.state.fl.us/news/2025/december/fdle-news-release-fdle-arrests-multiple-in-child-sexual-abuse-material-investigations> (last visited January 14, 2026).

operation targeting online child predators. The operation, coordinated by the Marion County Sheriff's Office, marks the highest number of arrests ever made during this annual joint effort to protect Florida children from exploitation and abuse. Attorney General Uthmeier's Office of Statewide Prosecution partnered with nine law enforcement agencies across local, state, and federal levels to identify and apprehend suspects attempting to meet children for sex or send them harmful material online.⁵

Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., created the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP provided investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation.^{6,7}

The networking and sharing of intelligence and investigative data enhances the existing communications network of the Florida Investigative Support Center (FISC) within the FDLE. This database enables the FDLE personnel to identify patterns and movements of specific criminal activities. In addition, it provides local law enforcement investigators with a statewide medium through which they share criminal information. Special Agents of the CACP have received extensive training in the area of crimes against children. Consequently, members of this program are qualified to investigate multi-jurisdictional operations and organized crimes against children. In addition, investigative and technical assistance is provided to local law enforcement agencies.⁸ Due to this, the program was changed in 2025 to the Child Exploitation and Crimes Against Children Program.

Internet Crimes Against Children Task Force Program (ICAC)

The Internet Crimes Against Children Task Force program (ICAC) is a national network of 61 coordinated task forces, representing over 5,400 federal, state, and local law enforcement, dedicated to investigating, prosecuting and developing effective responses to internet crimes against children.⁹

The ICAC Task Force program was developed in 1998, in response to an ever-increasing number of children and teenagers using the Internet, an ever-increasing number of online images depicting child sexual abuse, and an ever-increasing amount of online activity by people seeking to contact and exploit children and teens.

⁵ Office of Attorney General Attorney General James Uthmeier Announces 48 Arrests, 153 Charges In Record-Breaking Undercover Child Predator Operation in Central Florida, available at <https://www.myfloridalegal.com/newsrelease/attorney-general-james-uthmeier-announces-48-arrests-153-charges-record-breaking> (last visited January 14, 2026).

⁶ Section 943.041, F.S.

⁷ Florida Department of Law Enforcement, *Crimes Against Children*, available at <https://www.fdle.state.fl.us/mcicsearch/crimesagainatchildren.asp#:~:text=The%20Crimes%20Against%20Children%20Program,to%20local%20law%20enforcement%20agencies>. (last visited March 9, 2025).

⁸ Florida Department of Law Enforcement, *Agency Bill Analysis SB1268* (Department of Law Enforcement) on file with the Senate Criminal Justice Committee).

⁹ ICAC Task Force Program, available at <https://www.icactaskforce.org/> (last visited January 14, 2026).

The ICAC helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This assistance encompasses forensic and investigative components, training and technical assistance, victim services, and community education.¹⁰

The duties and functions of ICAC task forces:

- Consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;
- Work consistently toward achieving designated purposes;
- Engage in reactive and proactive investigations, conduct digital forensic examinations, and engage effective prosecutions of Internet crimes against children;
- Provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;
- Develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;
- Participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;
- Establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;
- Investigate, seek prosecution with respect to , and identify child victims from leads relating to Internet crimes against children, including CyberTipline reports, with prioritization determined according to circumstance and by each task force;
- Maintain reports and records;
- Seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.¹¹

FDLE Online Sting Operation Grant Program

In 2024, the Florida Legislature enacted the Online Sting Operation Grant Program, codified in s. 943.0411, F.S., establishing the program within the FDLE. The program was created to support the FDLE in developing and conducting sting operations aimed at identifying and targeting individuals who prey upon, or attempt to prey upon, children online.

The program provided that the FDLE shall annually award to law enforcement agencies any funds specifically appropriated for the grant program, to cover expenses related to computers, electronics, software, and other related necessary supplies. Grants must be provided to local law

¹⁰ Office of Juvenile Justice and Delinquency Prevention *Internet Crimes Against Children Task Force Program* available at <https://ojjdp.ojp.gov/programs/internet-crimes-against-children-task-force-program#:~:text=Resources-Overview,and%20prosecute%20ICAC%2Drelated%20cases>. (last visit January 14, 2026).

¹¹ 34 U.S.C. § 21114, as amended by P.L. 119-60, December 18, 2025, 139 Stat. 718.

enforcement agencies if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.¹²

The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.¹³

Eligibility

The program is open to local law enforcement agencies in the State of Florida and is a cost reimbursement grant. Additional requirements are:

- Applicants must be a signed affiliate with its regional Internet Crimes Against Children (ICAC) Task Force. Applicants must obtain and attach to the application a letter of support from their agency ICAC Commander.
 - To qualify for a letter of support, the ICAC Commander will review the following requirements:
 - Individuals using requested equipment have attended required ICAC training.
 - The agency adheres to ICAC standards.
- Renewal costs for requested equipment and software beyond the grant period must be covered by the recipient agency.
- Recipients must provide performance measures each month along with the reimbursement claim such as the number of arrests made, children rescued, seizures, victims identified, and digital devices examined.¹⁴

Awards/Allowable/Unallowable Costs

Available funds are distributed based on the operational needs of each agency's investigations as approved by the FDLE, not to exceed a combined total of \$2,500,000.¹⁵

Award funds must be used to support the creation or execution of online sting operations to target individuals soliciting children online. Grant funds may be used to reimburse expenses related to computers, electronics, software, and other related necessary supplies.

Items purchased prior to the start of the grant period are unallowable. Additional unallowable costs for this program include but are not limited to personnel costs, community outreach and education activities, food and beverage, and transportation or travel costs.¹⁶

The FDLE is currently a partner with the three Florida Internet Crimes Against Children Task Forces. The FDLE support the task forces' ongoing efforts to protect children online. The FDLE also has seven regional teams that conduct online child exploitation-related investigations and supports the criminal investigations' digital forensics.¹⁷

¹² Section 943.0411(2), F.S.

¹³ Section 943.0411(3), F.S.

¹⁴ Florida Department of Law Enforcement *Online Sting Operations Grant Program for Local Law Enforcement* available at <https://www.fdle.state.fl.us/fdle-grants/open-funding-opportunities/online-sting/fy25-26-online-sting> (last visited January 13, 2026).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ FDLE, *2026 FDLE Legislative Bill Analysis* pg. 2 (on file with the Senate Committee on Criminal Justice).

III. Effect of Proposed Changes:

The bill amends s. 943.0411, F.S., to rename the “Online Sting Operations Grant Program” to the “Internet Crimes Against Children Grant Program” to award to local law enforcement affiliates to protect children. The grant program will award grants to local law enforcement affiliates to support their work to combat online child exploitation and to target individuals preying upon children online or attempting to prey upon children online.

The FDLE must annually award to local law enforcement affiliates any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensics training, hardware, or software. Grants must be provided to local law enforcement affiliates if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill defines the following terms:

- “Affiliate” means a local law enforcement agency in this state which has a current memorandum of understanding with an established Internet crimes against children task force or which has been designated by the FDLE as being in good standing.
- “Internet crimes against children task force” to mean and Internet crimes against task force located in this state which is recognized by the United States Department of Justice.

The bill creates s. 943.0421, F.S., to create the “Internet Crimes Against Children Task Force Funding Program,” and provides the following legislative findings:

- The Internet Crimes Against Children Task Force program, ran through the United States Department of Justice, which helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program is a national network of 61 coordinated task forces representing over 5,400 federal, state, and local law enforcement and prosecutorial agencies.
- There is a lack of dedicated state resources to combat Internet crimes against children. As a result, many of the cases involving internet crimes are not adequately investigated. The Legislature intends to create an account dedicated to combating Internet crimes against children, promoting education on Internet safety to minors and to the public, and rescuing child victims from abuse and exploitation.

The Internet Crimes Against Children Task Force Funding Program within the United States Department of Justice provides a stable funding source for the task forces. Funding for the program must consist of moneys appropriated by the Legislature. Program funds may be used only to support the administration and activities of law enforcement agencies in their efforts to combat Internet crimes against children, including the funding of personnel, overtime pay, training, travel, and technology purchases.

Moneys appropriated to the program must be distributed in the following amounts:

- Eighty percent divided equally among the task forces; and

- Twenty percent to the law enforcement department to support its efforts in combating Internet crimes against children.

The term “task force” is defined to mean an Internet Crimes Against Children Task Force program located in this state which is recognized by the United States Department of Justice.

The department may adopt rules to implement and administer this act.

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 bill may have an indeterminate fiscal impact on the local government. The bill contains a state government appropriation to fund the program.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0411 of the Florida Statutes.
This bill creates section 943.0421 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

¹⁸ FDLE, 2026 *Legislative Bill Analysis*, pg. 3 (on file with the Senate Committee on Criminal Justice).



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 26 - 75
and insert:

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

(a) "Affiliate" means a local law enforcement agency in this state which has a current memorandum of understanding with an established Internet crimes against children task force or which has been designated by the department as being in good standing.



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(b) "Good standing" means a local law enforcement agency in this state that receives CyberTips from one of the task forces and follows Internet Crimes Against Children Task Force Program standards in its investigation of Internet crimes against children.

(c) "Internet crimes against children task force" means an Internet crimes against children task force located in this state which is recognized by the United States Department of Justice.

(2) There is created within the department the Internet Crimes Against Children ~~Online Sting Operations~~ Grant Program to award grants to local law enforcement affiliates ~~agencies~~ to support their work to combat online child exploitation and ~~creation of sting operations~~ to target individuals online preying upon children or attempting to do so.

(3)~~(2)~~ The department shall annually award to local law enforcement affiliates ~~agencies~~ any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensics training, hardware, or ~~computers, electronics, software, and other related necessary supplies.~~ Grants must be provided to local law enforcement agencies if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

(4)~~(3)~~ The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.



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Section 2. Section 943.0421, Florida Statutes, is created to read:

943.0421 Internet Crimes Against Children Task Force Funding Program.—

(1) SHORT TITLE.—This section may be cited as the “Florida Internet Crimes Against Children Task Force Funding Program Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that the Internet Crimes Against Children Task Force Program administered by the United States Department of Justice helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program is a national network of 61 coordinated task forces representing over 5,400 federal, state, and local law enforcement and prosecutorial agencies. The

By Senator Bradley

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A bill to be entitled

An act relating to the Internet crimes against children programs; amending s. 943.0411, F.S.; defining terms; renaming the Online Sting Operations Grant Program created within the Department of Law Enforcement as the Internet Crimes Against Children Grant Program; revising the purpose of the grant program; revising the authorized uses for grant program funds; creating s. 943.0421, F.S.; providing a short title; providing legislative findings; defining the term "task force"; creating the Internet Crimes Against Children Task Force Funding Program within the Department of Law Enforcement; specifying how program funds may be used; requiring specified percentage distribution of program moneys; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Section 943.0411, Florida Statutes, is amended to read:

943.0411 Internet Crimes Against Children Online Sting Operations Grant Program for local law enforcement affiliates ~~agencies~~ to protect children.—

(1) As used in this section, the term "affiliate" means a local law enforcement agency in this state which has a current memorandum of understanding with an established Internet crimes against children task force or which has been designated by the

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

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department as being in good standing. As used in this subsection, the term "Internet crimes against children task force" means an Internet crimes against children task force located in this state which is recognized by the United States Department of Justice.

(2) There is created within the department the Internet Crimes Against Children Online Sting Operations Grant Program to award grants to local law enforcement affiliates ~~agencies~~ to support their work to combat online child exploitation and creation of sting operations to target individuals online preying upon children or attempting to do so.

(3)(2) The department shall annually award to local law enforcement affiliates ~~agencies~~ any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensics training, hardware, or computers, electronics, software, and other related necessary supplies. Grants must be provided to local law enforcement agencies if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

(4)(3) The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

Section 2. Section 943.0421, Florida Statutes, is created to read:

943.0421 Internet Crimes Against Children Task Force Funding Program.—

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

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(1) SHORT TITLE.—This section may be cited as the “Florida Internet Crimes Against Children Task Force Funding Program Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) The Internet Crimes Against Children Task Force program, run through the United States Department of Justice, helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program is a national network of 61 coordinated task forces representing over 5,400 federal, state, and local law enforcement and prosecutorial agencies.

(b) There is a lack of dedicated state resources to combat Internet crimes against children. As a result, many of the cases involving Internet crimes are not adequately investigated. The Legislature intends to create an account dedicated to combating Internet crimes against children, promoting education on Internet safety to minors and to the public, and rescuing child victims from abuse and exploitation.

(3) DEFINITION.—The term “task force” means an Internet Crimes Against Children Task Force program located in this state which is recognized by the United States Department of Justice.

(4) ESTABLISHMENT OF PROGRAM.—The Internet Crimes Against Children Task Force Funding Program is created within the department to provide a stable funding source for the task forces.

(a) Funding for the program shall consist of moneys

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appropriated by the Legislature. Program funds may be used only to support the administration and activities of law enforcement agencies in their efforts to combat Internet crimes against children, including the funding of personnel, overtime pay, training, travel, and technology purchases.

(b) Moneys appropriated to the program must be distributed in the following amounts:

1. Eighty percent divided equally among the task forces;

and

2. Twenty percent to the department to support its efforts in combating Internet crimes against children.

(5) RULEMAKING.—The department may adopt rules to implement and administer this section.

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

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 682

INTRODUCER: Senators Calatayud and Berman

SUBJECT: Violent Criminal Offenses

DATE: January 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 682, cited as the “Domestic Emergency and Batterers Reform and Accountability Act” amends and creates several sections of law to address domestic violence.

Domestic Violence (Sections 5, 6, 7, & 8)

The bill amends s. 741.28, F.S., to redefine domestic violence to mean any criminal offense resulting in physical injury or death of one family or household member by another family or household member. The term includes but is not limited to specified offenses.

The bill also defines “electronic monitoring” under this section as tracking the location of a person through the use of technology that is capable of determining or identifying the monitored person’s presence or absence at a particular location. The definition includes examples of such technology.

The bill amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision to a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence. Further, the court is required to order electronic monitoring supervision under certain conditions.

The bill creates s. 741.282, F.S., to allow the court or a state attorney to enter into a written agreement with a person to participate in a domestic violence diversion program. A person is eligible to participate if the person is charged with a misdemeanor offense of domestic violence and the person is a first-time domestic violence offender. The written diversion agreement must include all of the following conditions:

- The person admits his or her guilt;
- The person agrees to attend and participate in a domestic violence diversion program; and

- The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her diversion.

The bill provides participation requirements to the diversion program and states that the court must consider the recommendation of the state attorney as to the disposition of the pending charges and determine, by written findings, whether the person successfully completed the diversion program. The court must dismiss the charges upon finding the person successfully completed the program. If the court finds the person did not successfully complete the program, the court must return the charges to the criminal docket for prosecution.

The bill amends s. 741.283, F.S., to provide an exception to the minimum terms of imprisonment for domestic violence offenses to allow for a defendant to participate in the domestic violence diversion program.

Investigations (Section 9 & 12)

The bill amends ss. 741.29, and 784.046, F.S., respectively, to require a law enforcement officer who investigates an alleged incident of domestic violence or dating violence to stress the importance of seeking medical treatment and assist the victim to obtain medical treatment if required.

The bill requires the form which notifies victims of the legal rights and remedies available to include information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. The law enforcement officer must also provide the victim with a pamphlet which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

If a lethality assessment is administered, the law enforcement officer must provide to both the victim and the aggressor a copy of a statement indicating that law enforcement may follow up with the victim.

The bill provides guidelines for providing such statement, body camera usage, and the manner in which a law enforcement officer must follow up with an alleged victim. The bill requires the same provisions for s. 784.046, F.S., as it relates to petitions for injunctions for protection against repeat violence, sexual violence, or dating violence.

Injunctions & Relocation Assistance (Sections 10, 11, 12, 13, & 14)

The bill amends s. 741.30, F.S., relating to domestic violence injunctions to incorporate the new definition for domestic violence. Additionally, the Domestic and Repeat Violence Injunction Statewide Verification System under this section is amended to include dating violence injunctions and sexual violence injunctions.

The bill adds the use of a family pet as a means of coercive control to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. The bill specifies a family pet includes a service animal and an emotional support animal.

The bill amends ss. 741.31, and 784.047, F.S., to reduce the number of prior convictions for a violation of an injunction before the offense is enhanced to a third degree felony from two to one. Additionally, the bill removes the requirement for subsequent violations to be committed against the same victim listed in the petition. The bill provides the penalty for a felony or misdemeanor committed under such sections may be enhanced and allows for additional enhancements if the offense was committed during a declared state of emergency.

The bill allows the court to order a respondent in a protective injunction to electronic monitoring supervision for the duration of the injunction for protection. The court must establish exclusion zones and include safety planning and informed consent for the petitioner.

The bill adds a question to the petitions for injunctions for protection against repeat violence, sexual violence, or dating violence to require a petitioner to declare whether the respondent has engaged in abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

The bill amends s. 960.198, F.S., to increase the crime victim compensation awards to a one-time payment of up to \$5,000 on any one claim and a lifetime maximum of \$10,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Training on Domestic Violence, Dating Violence, and Strangulation Cases (Sections 3 & 4)

The bill amends s. 401.27, F.S., to add criteria to rules established by the Department of Health (DOH) relating to the education, training criteria, and examinations for certification and recertification of emergency medical technicians and paramedics. The bill requires the DOH to approve a training program for emergency medical technicians and paramedics relating to domestic violence, dating violence, and strangulation.

An applicant for certification or recertification as an emergency medical technician or paramedic is required to have completed an approved training program relating to domestic violence, dating violence and strangulation by specified dates.

Such training is required biennially for renewal certification for paramedics in addition to the 30 hours of continuing education units. An applicant who is trained outside of Florida, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation.

The bill amends s. 633.408, F.S., to require the Division of State Fire Marshal within the Department of Financial Services to establish by rule training for career and volunteer firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. Training must be completed by a specified date.

Statewide Emergency Communications Plan (Section 2)

The bill amends s. 365.171, F.S., to require the Division of Telecommunications within the Department of Management Services (DMS) to develop, maintain, and implement into the statewide emergency communications plan a system or process to flag addresses at which a 911 call was placed to local emergency services to report that an incident of domestic violence or dating violence has occurred.

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

The bill takes effect on July 1, 2026.

II. Present Situation:

Domestic Violence

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.¹

In 2024, 61,216 crimes of domestic violence were reported, resulting in 32,665 arrests.² Of those 61,216 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 17,980 were spousal;³
- 6,957 were co-habitants;⁴ and
- 4,983 were other.⁵

This data was compiled by the Florida Department of Law Enforcement (FDLE) after receiving the number of reports and arrests from local law enforcement agencies.⁶

Domestic Violence Training and Investigations

Every basic skills course required for a law enforcement officer to obtain initial certification must include a minimum of six hours of training in handling domestic violence cases. Such training must include training in the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.⁷

¹ Section 741.28(2), F.S.

² Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report 2022-2024*, (on file with the Senate Committee on Criminal Justice).

³ Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

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

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

⁶ The data provided represents the information submitted to the FDLE as of the date of the report. The FDLE acts as a data repository for the law enforcement agencies who voluntarily submit UCR data or data required by the state. *See email correspondence from William Grissom*, (on file with the Senate Committee on Criminal Justice).

⁷ Section 943.171, F.S.

Domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:⁸

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

Sentencing for Domestic Violence Crimes

A person adjudicated guilty of a crime of domestic violence when such person intentionally caused bodily harm to another person, the court must order the person to serve a minimum of:¹⁶

- 10 days in the county jail for a first offense;

⁸ Section 741.29, F.S.

⁹ Section 741.29(1)(a), F.S.

¹⁰ Section 741.29(1)(b), F.S.

¹¹ Section 741.29(1)(c), F.S.

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

¹³ Section 741.29 (3), F.S.

¹⁴ Section 741.29(4), F.S.

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

¹⁶ Section 741.283(1)(a), F.S.

- 15 days for a second offense; and
- 20 days for a third or subsequent offense as part of the sentence imposed.

If a person is adjudicated guilty of a crime of domestic violence and has intentionally caused bodily harm to another person, and the crime of domestic violence takes place in the presence of a child under the age of 16 who is a family or household member of the victim or perpetrator, the court must order the person to serve a minimum of:¹⁷

- 15 days in the county jail for a first offense;
- 20 days for a second offense; and
- 30 days for a third or subsequent offense as part of the sentence imposed.

The court is not prevented from sentencing the person to probation, community control, or an additional period of incarceration.¹⁸

If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, such person must be ordered by the court to a minimum term of one year's probation and the court must order that the defendant attend and complete a batterer's intervention program as a condition of probation. The court must impose the condition unless the court states on the record why a batterer's intervention program might be inappropriate or the court determines that the person does not qualify for the batterer's intervention program.¹⁹

Causes of Action for Protective Injunctions

Though there are several causes of action for injunctions under different sections of Florida law, including injunctions for protection against domestic violence, dating violence, repeat violence, and sexual violence.

Domestic Violence

Any person²⁰ who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in circuit court to file a verified petition for an injunction for protection against domestic violence.²¹

In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court must consider and evaluate all relevant factors alleged in the petition, including, but not limited to:²²

- The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

¹⁷ Section 741.283(1)(b), F.S.

¹⁸ Section 741.283(2), F.S.

¹⁹ Section 741.281, F.S.

²⁰ This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.
Section 741.30(1)(e), F.S.

²¹ Section 741.30(1)(b), F.S.

²² Section 741.30(6)(b), F.S.

- Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
- Whether the respondent has intentionally injured or killed a family pet.
- Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
- Whether the respondent has a criminal history involving violence or the threat of violence.
- The existence of a verifiable order of protection issued previously or from another jurisdiction.
- Whether the respondent has destroyed personal property belonging to the petitioner.
- Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time.

Dating Violence

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,²³ an injunction for protection in cases of dating violence,²⁴ and an injunction for protection in cases of sexual violence.^{25,26} However, this section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.²⁷

Dating violence is determined by the existence of a relationship based on consideration of the following factors:²⁸

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

²³ "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member. Section 784.046(1)(b), F.S.

²⁴ "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

²⁵ "Sexual violence" means any one incident of: sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted. Section 784.046(1)(c), F.S.

²⁶ Section 784.046(2), F.S.

²⁷ "Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death by a person against any other person.

²⁸ Section 784.046(1)(d)1-3., F.S.

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

A person has standing in circuit court to file a verified petition for an injunction against dating violence if he or she:

- Is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming a victim of another act of dating violence;
- Has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or,
- Is the parent or legal guardian of any minor child in the home and who seeks an injunction for protection against dating violence on behalf of the minor.²⁹

Sexual Violence and Repeat Violence

Sexual violence includes an incident of a specified sexual offense³⁰ regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home and is the victim of sexual violence has standing in the circuit court to file a verified petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:³¹

- The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
- The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Any person who is the victim of repeat violence, or the parent or legal guardian of a child who seeks an injunction for protection against repeat violence on behalf of the child, has standing to file a verified petition for an injunction for protection against repeat violence. For an injunction for protection against repeat violence, there must be two incidents of violence or stalking committed by the respondent.³²

Procedure for Filing Injunctions

A cause of action does not require that the petitioner be represented by an attorney.^{33,34} The clerk of the court may not assess a fee for filing a petition^{35,36} and no bond will be required by the

²⁹ Section 784.046(2)(b), F.S.

³⁰ Such offenses include: sexual battery, a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. Section 784.046(1)(c), F.S.

³¹ Section 784.046(2)(c), F.S.

³² Section 784.046(2)(a), F.S.

³³ Section 741.30(1)(f), F.S.

³⁴ Section 784.046(2)(e), F.S.

³⁵ Section 741.30(2)(a), F.S.

³⁶ Section 784.046(3)(b), F.S.

court for entry of an injunction.^{37,38} The clerk of the court must provide the petitioner with a certified copy of any injunction for protection entered by the court, however, the clerk must provide a minimum of two certified copies for an injunction for protection against domestic violence.^{39,40}

The clerk of the court must provide a copy of the section,⁴¹ simplified forms, and clerical assistance to a victim of dating violence, sexual violence, or repeat violence who is not represented by counsel.⁴²

Additionally, a cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.^{43,44}

Injunction Statewide Verification Systems

A Domestic and Repeat Violence Injunction Statewide Verification System exists under the FDLE's purview. The system electronically transmits information relating to domestic violence injunctions and repeat violence injunctions to and between criminal justice agencies.⁴⁵ Within 24 hours after the service of process of an injunction for protection against domestic violence upon the respondent, the law enforcement officer must electronically transmit the written proof of service. Additionally, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.⁴⁶

Additionally, a Domestic, Dating, Sexual and Repeat Violence Injunction Statewide Verification System exists to electronically transmit information relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions to and between criminal justice agencies.⁴⁷

Violation of an Injunction for Protection

A person commits a first degree misdemeanor if he or she willfully violates an injunction for protection by:^{48,49}

- Refusing to vacate the dwelling that the parties share;

³⁷ Section 741.30(2)(b), F.S.

³⁸ Section 784.046(3)(c), F.S.

³⁹ Section 741.30(2)(c)5., F.S.

⁴⁰ Section 784.046(3)(d), F.S.

⁴¹ Section 784.046, F.S., Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

⁴² Section 784.046(3)(a), F.S.

⁴³ Section 784.046(2)(d), F.S.

⁴⁴ Section 741.30(6)(f), F.S.

⁴⁵ Section 741.30(8)(b), F.S.

⁴⁶ Section 741.30(8)(c)3., F.S.

⁴⁷ Section 784.046(8)(b), F.S.

⁴⁸ Section 741.31(4)(a), F.S.

⁴⁹ Section 784.047(1), F.S.

- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- Committing an act of domestic violence, dating violence, repeat violence, or sexual violence against the petitioner;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allow indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

A person who has two or more prior convictions for violation of an injunction commits a third degree felony if he or she commits a subsequent violation of any injunction against the same victim.^{50,51}

For violations of injunctions for protection against domestic violence, regardless of criminal prosecution, the court must order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction unless the court makes written factual findings stating why a batterers' intervention program would be inappropriate.⁵² Additionally, a person commits a first degree misdemeanor if he or she violates a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.⁵³

Relocation Assistance for Victims of Domestic Violence

The Department of Legal Affairs may award a one-time payment of up to \$1,500 on any one claim and a lifetime maximum of \$3,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.⁵⁴ In order for such award to be granted:⁵⁵

- There must be proof that a domestic violence offense was committed;
- The domestic violence offense must be reported to the proper authorities;
- The victim's need for assistance must be certified by a certified domestic violence center in this state; and
- The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.

⁵⁰ Section 741.31(4)(c), F.S.

⁵¹ Section 784.047(2), F.S.

⁵² Section 741.31(5), F.S.

⁵³ Section 741.31(4)(b), F.S.

⁵⁴ Section 960.198(1), F.S.

⁵⁵ Section 960.198(2), F.S.

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement statewide emergency communications and response capabilities using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.⁵⁶ The Emergency Communications Act prohibits the misuse of the 911, E911,⁵⁷ and NG911⁵⁸ systems.

Since 1974, Florida law has designated “911” as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.^{59, 60} In 1999, the concept of “Enhanced 911” or “E911” service was established in Florida law to describe 911 service provided to wireless telephone users.⁶¹ Today, under the Emergency Communications Number E911 Act,⁶² the term “E911,” as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services⁶³ with 911 service. E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.⁶⁴ PSAPs receiving incoming 911 requests for assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.⁶⁵

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.⁶⁶

⁵⁶ Section 365.172(2)(a)-(b), F.S.

⁵⁷ “Enhanced 911” or “E911” means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

⁵⁸ “Next Generation 911” or “NG911” means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

⁵⁹ Chapter 74-357, L.O.F.

⁶⁰ “Public safety agency” means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

⁶¹ Chapter 99-367, L.O.F.

⁶² Chapter 2007-78, L.O.F.

⁶³ “Voice communications services” means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service.

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

⁶⁴ Section 365.172(3)(i), F.S.

⁶⁵ Section 365.172(3)(aa), F.S.

⁶⁶ *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited January 8, 2026).

Statewide Emergency Communications Plan

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

- The public agency⁶⁷ emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.⁶⁸

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.⁶⁹

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.⁷⁰ No emergency communications number E911 system can be established, and no present system can be expanded without prior approval of the Division.⁷¹

Statewide Emergency Communications Fund

It is the intent of the Legislature that emergency communication services be available throughout the state. The fees imposed should be expended by counties in support of this intent to the greatest extent feasible within the context of local service needs and fiscal capability.⁷²

The Emergency Communications Board (Board)⁷³ established under s. 365.172, F.S., is responsible for establishing and administering allocation from the fund dedicated to investing in public safety communications and technology for 911 and provide technical assistance and guidance to rural counties as needed.⁷⁴ Public safety funding must focus on, but is not limited to:⁷⁵

- Next Generation 911.

⁶⁷ "Public agency" means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

⁶⁸ Section 365.171(4), F.S.

⁶⁹ *Id.*

⁷⁰ Section 365.171(5), F.S.

⁷¹ Section 365.171(9), F.S.

⁷² Section 365.171, F.S.

⁷³ Section 365.172, F.S.

⁷⁴ Section 365.172(5)(a), F.S.

⁷⁵ Section 365.172(5)(b), F.S.

- Emergency services IP Network (ESInet).
- Computer-Aided Dispatch.
- PSAP technology to interface with:
 - Land Mobile Radio.
 - Smart city technology data.
 - In-building coverage.
 - Emergency communications broadband networks.
 - Cybersecurity.

Each voice communications services provider collects a fee and as part of its monthly billing process, must bill the fee as specified.⁷⁶ The fee may not be assessed on any pay telephone in the state.

III. Effect of Proposed Changes:

The bill, cited as the “Domestic Emergency and Batterers Reform and Accountability Act” amends and creates several sections of law to address domestic violence.

Domestic Violence (Sections 5, 6, 7 & 8)

The bill amends s. 741.28, F.S., to redefine domestic violence to mean any criminal offense resulting in physical injury or death of one family or household member by another family or household member. The term includes, but is not limited to, the following offenses:

- Assault.
- Aggravated assault.
- Battery.
- Aggravated battery.
- Battery by strangulation.
- Domestic battery by strangulation.
- Sexual assault.
- Sexual battery.
- Stalking.
- Aggravated stalking.
- Child abuse.
- Aggravated child abuse.
- Kidnapping.
- False imprisonment.
- Violation of an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking.
- Criminal mischief.
- Installation or use of tracking devices or tracking applications.
- Sexual cyberharassment.
- Cyberstalking.

⁷⁶ Section 365.172(8), F.S.

- Offenses against users of computers, computer systems, computer networks, and electronic devices.
- Cruelty to animals.

The bill also defines “electronic monitoring” under this section as tracking the location of a person through the use of technology that is capable of determining or identifying the monitored person’s presence or absence at a particular location, including but not limited to:

- Radio frequency signaling technology that detects whether the monitored person is or is not at an approved location and notifies the monitoring agency of the time that the monitored person either leaves the approved location or tampers with or removes the monitoring device; or
- Active or passive GPS technology that detects the location of the monitored person and notifies the monitoring agency of the person’s location, and which may also be capable of notifying a victim or protected party if the monitored person enters within the restricted distance of a victim or protected party or within the restricted distance of a designated location.

The bill amends s. 741.281, F.S., to allow the court to order electronic monitoring supervision to a defendant who is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence. Further, a court is required to order electronic monitoring supervision in the following situations:

- The court finds there is clear and convincing evidence that the defendant poses a continuing threat to the victim;
- The defendant has previously violated an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking; or
- During a lethality assessment, if performed, there is evidence of strangulation or other indications that warrant a higher level of concern for the well-being of the petitioner.

The bill creates s. 741.282, F.S., to allow the court or a state attorney to enter into a written agreement with a person to participate in a domestic violence diversion program. A person is eligible to participate if the person is charged with a misdemeanor offense of domestic violence and the person is a first-time domestic violence offender. The written diversion agreement must include all of the following conditions which must be accepted:

- The person admits his or her guilt;
- The person agrees to attend and participate in a domestic violence diversion program; and
- The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her diversion.

Participants must:

- Appear before the court within 45 days after entering the program to determine the person’s compliance with the conditions and requirements of the written agreement. The court is authorized to additional hearings to monitor the defendant’s progress.
- Complete the program within one year after the person enters the program.
- Complete a batterers’ intervention program within nine months after the person enters the program.

- Participate in clinical assessment conducted by a qualified professional to determine if the person has mental health or substance use issues.
 - If the person is determined to have mental health or substance use issues, the qualified professional must provide a treatment plan for the person and must provide weekly treatment progress reports to the court.
 - At the end of the program, the qualified professional must certify to the court that the person has complied with all requirements of the treatment plan.

The court must consider the recommendation of the state attorney as to the disposition of the pending charges and determine, by written findings, whether the person successfully completed the diversion program. The court must dismiss the charges upon finding the person successfully completed the program. If the court finds the person did not successfully complete the program, the court must return the charges to the criminal docket for prosecution.

The Department of Corrections must supervise the diversion programs.

The bill amends s. 741.283, F.S., to provide an exception to the minimum terms of imprisonment for domestic violence to allow for a defendant to participate in the domestic violence diversion program.

Investigations (Section 9 & 12)

The bill amends ss. 741.29, and 784.046, F.S., respectively, to require a law enforcement officer who investigates an alleged incident of domestic violence or dating violence to stress the importance of seeking medical treatment and assist the victim to obtain medical treatment if required.

The bill requires the form which notifies victims of the legal rights and remedies available to include information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. The law enforcement officer must also provide the victim with a pamphlet which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

If a lethality assessment is administered, the law enforcement officer must provide to both the victim and the aggressor a copy of the following statement:

Section 741.29, F.S., authorizes a law enforcement officer or a designated representative of the FDLE to follow up with an alleged victim after a written police report based on the investigation of an allegation that an incident of domestic violence occurred is filed. A law enforcement officer or designated representative may follow up randomly in person or by telephone.

The law enforcement officer must leave the written statement at the home address of the aggressor if the aggressor is not present at the time. A law enforcement officer or designated liaison may follow up with the victim within 24 hours after the written police report is filed. The officer or liaison may follow up by telephone or in-person. If the officer follows up by telephone,

he or she must call the victim three times but may not leave a voicemail. If the officer does not make contact with the victim, the officer or liaison may conduct an in person wellness check.

The bill requires a law enforcement officer to have his or her body camera, if worn, turned on and recording when investigating an alleged incident of domestic violence. The bill provides the same provisions for s. 784.046, F.S., as it relates to petitions for injunctions for protection against repeat violence, sexual violence, or dating violence.

Injunctions & Relocation Assistance (Sections 10, 11, 12, 13 & 14)

The bill amends s. 741.30, F.S., relating to domestic violence to incorporate the new definition for domestic violence. Additionally, the Domestic and Repeat Violence Injunction Statewide Verification System is amended to include dating violence injunctions and sexual violence injunctions.

The bill adds the use of a family pet as means of coercive control to the list of actions a respondent has engaged in which may be noted on a petition for an injunction. The bill specifies a family pet includes a service animal and an emotional support animal.

The bill amends ss. 741.31, and 784.047, F.S., to reduce the number of prior convictions for a violation of an injunction before the offense is enhanced to a third degree felony from two to one. Additionally, the bill removes the requirement for subsequent violations to be committed against the same victim listed in the petition. The bill provides the penalty for a felony or misdemeanor committed under this section may be enhanced as follows:

- A second degree misdemeanor may be punished as if it were a first degree misdemeanor.
- A first degree misdemeanor may be punished as if it were a third degree felony.
- A third degree felony may be punished as if it were a second degree felony.
- A second degree felony may be punished as if it were a first degree felony.
- A first degree felony may be punished as if it were a life felony.

The bill allows for additional enhancements if the felony or misdemeanor was committed during an emergency for which a state of emergency has been declared.

The bill allows the court to order a respondent in a protective injunction to electronic monitoring supervision for the duration of the injunction for protection. The court must establish exclusion zones and include safety planning and informed consent for the petitioner.

The bill amends s. 960.198, F.S., to increase the crime victim compensation awards to a one-time payment of up to \$5,000 on any one claim and a lifetime maximum of \$10,000 to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Training on Domestic Violence, Dating Violence, and Strangulation Cases (Sections 3 & 4)

The bill amends s. 401.27, F.S., to add criteria to rules established by the DOH relating to the education and training criteria and examinations for the certification and recertification of emergency medical technicians and paramedics. The bill requires the DOH to approve a training

program for emergency medical technicians and paramedics relating to domestic violence, dating violence, and strangulation.

Additionally, the bill requires an applicant for certification or recertification as an emergency medical technician or paramedic to have completed an approved training program relating to domestic violence, dating violence, and strangulation. Training is required in the following manner:

- Beginning July 1, 2026, emergency medical technicians and paramedics seeking initial certification must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases.
- Emergency medical technicians and paramedics certified before July 1, 2026, must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases during the refresher training program.

Such training is required biennially for renewal certification for paramedics in addition to the 30 hours of continuing education units. An applicant who is trained outside of Florida, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation.

The bill amends s. 633.408, F.S., to require the Division of State Fire Marshal within the Department of Financial Services to establish, by rule, training for career and volunteer firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance. Training is required in the following manner:

- Beginning July 1, 2026, career and volunteer firefighters seeking initial certification must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases.
- Career and volunteer firefighters certified before July 1, 2026, must complete a minimum of two hours of training in handling domestic violence, dating violence, and strangulation cases during the continuing training program.

Statewide Emergency Communications Plan (Section 2)

The bill amends s. 365.171, F.S., to require the Division of Telecommunications within the DMS to develop, maintain, and incorporate into the statewide emergency communications plan a system or process to flag addresses at which a 911 call was placed to local emergency services to report that an incident of domestic violence or dating violence has occurred. The system must correspond between all emergency services, including, but not limited to, law enforcement, firefighting, emergency medical services, poison control, suicide prevention, and emergency management services. An address must remain flagged in the system for at least one year after the 911 call was placed that initiated the flag. The one year time period resets after each call relating to an allegation of domestic violence or dating violence at the same address.

Further, the bill requires each county to integrate the system or process based on the county's resources and availability. Expenditure by counties of the fee authorized and imposed under

s. 365, 172, F.S., should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability.

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:

The FDLE has indicated an indeterminate fiscal impact and suggests feasibility studies to be conducted to meet the needs of the electronic monitoring requirement and the needs of the domestic liaison requirement. Additionally, the FDLE states a system would need to be procured for the purpose of following up on domestic violence calls and estimates five employee hires for the procurement and implementation. The FDLE provides an estimate of \$1,030,000 per year to accommodate the staffing.⁷⁷

⁷⁷ The Florida Department of Law Enforcement, *Agency Analysis for SB 682*, (on file with the Senate Committee on Criminal Justice).

VI. Technical Deficiencies:

- Section 2 may incorporate the address of a caller reporting a concern of possible domestic violence occurring at an address of a neighbor or other household. Additionally, it may be unclear whether an address is flagged after an incident has occurred or is alleged to have occurred.
- Sections 3 and 4 provide the deadline of July 1, 2026, for certification and recertification. This date may not provide the agency with adequate time for rule development or to approve a training program.
- Section 5 redefines domestic violence to require the criminal offense to result in physical injury or death. The definition includes criminal offenses that typically do not result in physical injury or death.
- Section 7, line 406 requires the court to consider the recommendation of the state attorney as to the disposition of these charges, and the court, not the state attorney, is to dismiss the charges.
- Section 8 relates to adjudications of guilt and may not need the exception provided to s. 741.282, F.S., as it is created to be a pretrial diversion treatment court program.
- Section 11 and 13 allow a court to enhance misdemeanor and felony offenses but it may be unclear when such enhancement is applicable.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 365.171, 401.27, 633.408, 741.28, 741.281, 741.283, 741.29, 741.30, 741.31, 784.046, 784.047, 960.198, 921.0024, 943.0584, 943.171.

This bill creates the following sections of the Florida Statutes: 741.282

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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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Domestic Emergency
and Batterers Reform and Accountability Act."

Section 2. Subsection (6) of section 365.171, Florida
Statutes, is amended, and paragraph (e) is added to subsection
(4) of that section, to read:

365.171 Emergency communications state plan.—



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(4) STATE PLAN.—The office shall develop, maintain, and implement appropriate modifications for a statewide emergency communications plan. The plan shall provide for:

(e) A system or process to flag addresses at which a "911" call reported an alleged incident of domestic violence or dating violence. Such system must correspond between all emergency services, including, but not limited to, law enforcement, firefighting, emergency medical services, poison control, suicide prevention, and emergency management services. An address must remain flagged in the system for at least 1-year after the "911" call was placed that initiated the flag. The 1-year time period resets after each call relating to an alleged incident of domestic violence or dating violence at the same address.

The office shall be responsible for the implementation and coordination of such plan. The office shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan, pursuant to chapter 120.

(6) REGIONAL SYSTEMS.—This section does not prohibit or discourage the formation of multijurisdictional or regional systems; and any system established pursuant to this section may include the jurisdiction, or any portion thereof, of more than one public agency. It is the intent of the Legislature that emergency communications services be available throughout the state. Expenditure by counties of the fee authorized and imposed under s. 365.172 should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability. Each county shall integrate the system or



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process created in paragraph (4)(e) based on the county's
resources and availability. This section does not prohibit two
or more counties from establishing a combined emergency
communications service by an interlocal agreement and using the
fees authorized and imposed by s. 365.172 for such combined
service.

Section 3. Subsections (4), (5), and (11) of section
401.27, Florida Statutes, are amended, and paragraph (c) is
added to subsection (2) of that section, to read:

401.27 Personnel; standards and certification.—

(2) The department shall establish by rule educational and
training criteria and examinations for the certification and
recertification of emergency medical technicians and paramedics.
Such rules must require, but need not be limited to:

(c) For emergency medical technicians and paramedics, a
training program approved by the department for instruction in
the subject of domestic violence, dating violence, and
strangulation.

(4) An applicant for certification or recertification as an
emergency medical technician or paramedic must do all of the
following:

(a) Have completed an appropriate training program as
follows:

1. For an emergency medical technician, an emergency
medical technician training program approved by the department
as equivalent to the most recent EMT-Basic National Standard
Curriculum or the National EMS Education Standards of the United
States Department of Transportation; or

2. For a paramedic, a paramedic training program approved



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by the department as equivalent to the most recent EMT-Paramedic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation.

(b) Have completed a training program approved by the department for instruction in the subject of domestic violence, dating violence, and strangulation.

1. Beginning December 1, 2026, emergency medical technicians and paramedics seeking initial certification must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases.

2. Emergency medical technicians and paramedics who were certified before December 1, 2026, must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases during the refresher training program required under subsection (5).

(c) ~~(b)~~ Attest that he or she is not addicted to alcohol or any controlled substance.

(d) ~~(e)~~ Attest that he or she is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties.

(e) ~~(d)~~ Within 2 years after program completion have passed an examination developed or required by the department.

(f) 1. ~~(e) 1.~~ For an emergency medical technician, hold a current American Heart Association cardiopulmonary resuscitation course card or an American Red Cross cardiopulmonary resuscitation course card or its equivalent as defined by department rule; or

2. For a paramedic, hold a certificate of successful course completion in advanced cardiac life support from the American



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Heart Association or its equivalent as defined by department rule.

(g) Submit the certification fee and the nonrefundable examination fee prescribed in s. 401.34, which examination fee will be required for each examination administered to an applicant.

(h) Submit a completed application to the department, which application documents compliance with paragraphs (a)-(d), (b), (c), (e), (f), (g), and this paragraph, and, if applicable, paragraph (e).

(5)(a) The department shall establish by rule a procedure for biennial renewal certification of emergency medical technicians. Such rules must require a United States Department of Transportation refresher training program of at least 30 hours which must include a 2-hour training program for instruction in the subject of domestic violence, dating violence, and strangulation as approved by the department every 2 years. The refresher program may be offered in multiple presentations spread over the 2-year period. The rules must also provide that the refresher course requirement may be satisfied by passing a challenge examination.

(b) The department shall establish by rule a procedure for biennial renewal certification of paramedics. Such rules must require candidates for renewal to have taken at least 30 hours of continuing education units which must include a 2-hour training program for instruction in the subject of domestic violence, dating violence, and strangulation during the 2-year period. The rules must provide that the continuing education requirement may be satisfied by passing a challenge examination.



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(11) An applicant for certification as an emergency medical technician or a paramedic who is trained outside the state, or trained in the military, must provide proof of a current, nationally recognized emergency medical technician or paramedic certification or registration that is recognized by the department and based upon successful completion of a training program approved by the department as being equivalent to the most recent EMT-Basic or EMT-Paramedic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and hold a current certificate of successful course completion in cardiopulmonary resuscitation (CPR) or advanced cardiac life support for emergency medical technicians or paramedics, respectively, to be eligible for the certification. An applicant for certification as an emergency medical technician or a paramedic who is trained outside this state, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation as required under paragraph (4) (b).

Section 4. Present subsection (9) of section 633.408, Florida Statutes, is redesignated as subsection (10), paragraph (e) is added to subsection (1) of that section, and a new subsection (9) is added to that section, to read:

633.408 Firefighter and volunteer firefighter training and certification.—

(1) The division shall establish by rule:

(e) Courses to provide training for career and volunteer firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement



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for obtaining a Firefighter Certificate of Compliance, a
Volunteer Firefighter Certificate of Completion, or a Special
Certificate of Compliance.

(9) The division shall establish a program to provide
training in the subject of domestic violence, dating violence,
and strangulation for career and volunteer firefighters.

(a) Beginning December 1, 2026, career and volunteer
firefighters seeking initial certification must complete a
minimum of 2 hours of training in handling domestic violence,
dating violence, and strangulation cases.

(b) Career and volunteer firefighters certified before
December 1, 2026, must complete a minimum of 2 hours of training
in handling domestic violence, dating violence, and
strangulation cases during the continuing training required
under paragraph (1)(c).

Section 5. Present subsections (3) and (4) of section
741.28, Florida Statutes, are redesignated as subsections (5)
and (6), respectively, a new subsection (3), (4), and (7) is
added to that section, and subsection (2) of that section is
amended, to read:

741.28 Domestic violence; definitions; enhanced penalties.-
As used in ss. 741.28-741.31:

(2) "Domestic violence" means any ~~assault, aggravated
assault, battery, aggravated battery, sexual assault, sexual
battery, stalking, aggravated stalking, kidnapping, false
imprisonment, or any~~ criminal offense resulting in physical
injury or death of one family or household member by another
family or household member, or any of the following criminal
offenses if committed by a family or household member:-



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- 185 (a) Assault.
- 186 (b) Aggravated assault.
- 187 (c) Battery.
- 188 (d) Aggravated battery.
- 189 (e) Battery by strangulation.
- 190 (f) Domestic battery by strangulation.
- 191 (g) Sexual assault.
- 192 (h) Sexual battery.
- 193 (i) Stalking.
- 194 (j) Aggravated stalking.
- 195 (k) Child abuse.
- 196 (l) Aggravated child abuse.
- 197 (m) Kidnapping.
- 198 (n) False imprisonment.
- 199 (o) Violation of an injunction for protection against
200 domestic violence, repeat violence, dating violence, sexual
201 violence, or stalking.
- 202 (p) Criminal mischief, committed with the intent to
203 intimidate, threaten, or harass, or as a means of coercive
204 control.
- 205 (q) Installation or use of tracking devices or tracking
206 applications.
- 207 (r) Sexual cyberharassment.
- 208 (s) Cyberstalking.
- 209 (t) Offenses against users of computers, computer systems,
210 computer networks, and electronic devices.
- 211 (u) Cruelty or threat of cruelty to a family pet committed
212 with the intent to intimidate, threaten, or harass, or as a
213 means of coercive control. A family pet includes a service



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animal as defined in s. 413.08(1), and an emotional support
animal as defined in s. 760.27(1).

(3) "Coercive control" means a knowing pattern or course of
conduct by a person against a family or household member that,
in purpose or effect, unreasonably interferes with the free
will, personal liberty, autonomy, economic security, or
psychological safety of that person, whether or not physical
force is used, and that is used to establish, maintain, or
enforce power, domination, or dependency within the
relationship.

(4) "Electronic monitoring" means tracking the location of
a person through the use of technology that is capable of
determining or identifying the monitored person's presence or
absence at a particular location, including, but not limited to:

(a) Radio frequency signaling technology, which detects
whether the monitored person is or is not at an approved
location and notifies the monitoring agency of the time that the
monitored person either leaves the approved location or tampers
with or removes the monitoring device; or

(b) Active or passive global positioning system technology,
which detects the location of the monitored person and notifies
the monitoring agency of the monitored person's location and
which may also include electronic monitoring with victim
notification technology that is capable of notifying a victim or
protected party, either directly or through a monitoring agency,
if the monitored person enters within the restricted distance of
a victim or protected party or within the restricted distance of
a designated location.

(7) Upon a finding by the factfinder that the defendant



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committed the charged offense and that the charged offense
constitutes an act of domestic violence, the penalty for any
felony or misdemeanor, or any delinquent act or violation of law
which would be a felony or misdemeanor if committed by an adult,
may be enhanced. Penalty enhancement affects the applicable
statutory maximum penalty only. Each of the findings required as
a basis for such sentence shall be found beyond a reasonable
doubt. The enhancement will be as follows:

(a) A misdemeanor of the second degree may be punished as
if it were a misdemeanor of the first degree.

(b) A misdemeanor of the first degree may be punished as if
it were a felony of the third degree.

(c) A felony of the third degree may be punished as if it
were a felony of the second degree.

(d) A felony of the second degree may be punished as if it
were a felony of the first degree.

(e) A felony of the first degree may be punished as if it
were a life felony.

For purposes of sentencing under chapter 921 and determining
incentive gain-time eligibility under chapter 944, such felony
offense is ranked as provided in s. 921.0022 or s. 921.0023, and
without regard to the penalty enhancement in this subsection.

Section 6. Section 741.281, Florida Statutes, is amended to
read:

741.281 Court to order batterers' intervention program
attendance; electronic monitoring.—

(1) If a person is found guilty of, has adjudication
withheld on, or pleads nolo contendere to a crime of domestic



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violence, ~~as defined in s. 741.28,~~ that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend and complete a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The imposition of probation under this section does not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

(2) If a person is found guilty of, has adjudication withheld on, or pleads nolo contendere to a crime of domestic violence, the court may order the person to have electronic monitoring supervision as a condition of his or her probation. The court must order electronic monitoring supervision in the following situations:

(a) The court finds there is clear and convincing evidence that the defendant poses a continuing threat to the victim;

(b) The defendant has previously violated an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking; or

(c) During the investigation of an alleged incident of domestic violence, there is evidence of strangulation or other indications that warrant a higher level of concern for the well-



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being of the petitioner.

Section 7. Section 741.282, Florida Statutes, is created to read:

741.282 Domestic violence deferred sentencing program.—

(1) The state attorney may enter into a written plea agreement with a defendant to allow such person to defer sentencing so that he or she may participate in a domestic violence deferred sentencing program. If a domestic violence diversion program does not exist, a defendant may enter into a written plea agreement to defer sentencing to allow such person to participate in an alternative treatment court program if he or she meets eligibility criteria. The Department of Corrections shall supervise the domestic violence diversion programs.

(2) Notwithstanding s. 741.283, a person is eligible to participate in a domestic violence deferred sentencing program, or alternative treatment court program as applicable, if the person is charged with the commission of a misdemeanor of domestic violence under s. 741.31 and the person is a first-time domestic violence offender.

(3) The written deferred sentencing agreement must include all of the following conditions, which must be accepted by the person:

(a) The person must enter a plea of guilty or nolo contendere. Notwithstanding any law to the contrary, a person entering such deferred sentencing agreement may not be remanded to custody pending sentencing unless he or she has violated the terms of the deferred sentencing agreement.

(b) The person agrees to attend and participate in a domestic violence deferred sentencing program.



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(c) The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her participation in the deferred sentencing program.

(d) All terms necessary for successful completion of the deferred sentencing program.

(4) A person who participates in a domestic violence deferred sentencing program must:

(a) Appear before the court within 45 days after entering the domestic violence deferred sentencing program to determine the person's compliance with the conditions and requirements of the written agreement. The court may set additional status hearings to monitor the person's progress in the diversion program.

(b) Complete the domestic violence deferred sentencing program within 1-year after the person enters the program.

(c) Complete a batterers' intervention program within 9 months after the person enters the program.

(d) Participate in a clinical assessment conducted by a qualified professional as defined in s. 39.01 to determine if the person has mental health or substance use disorder.

1. If a qualified professional determines that the person has mental health or substance use disorder, the qualified professional must provide a treatment plan for the person. A qualified professional who provides a treatment according to the treatment plan for a person in the program must provide to the court weekly treatment progress reports.

2. At the end of the domestic violence deferred sentencing program, the qualified professional must certify to the court that the person has complied with all requirements of the



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treatment plan.

(5) (a) Upon successful completion of the domestic violence deferred sentencing program, the state attorney must permit the defendant to withdraw his or her plea and the state attorney must enter a nolle prosequere.

(b) If at any time the state attorney finds that the defendant has violated the deferred sentencing program or that the defendant has not successfully completed the deferred sentencing program, the state attorney must notify the court. The court must set the case for sentencing.

(6) Notwithstanding this section, data relating to domestic violence offenses must be collected pursuant to s. 900.05, and the state attorney may retain information relating to the defendant's participation in the deferred sentencing program.

Section 8. Section 741.285, Florida Statutes, is created to read:

741.285 Domestic Violence During an Active State of Emergency.—

If a person commits an offense of domestic violence during an emergency, as defined in s. 252.34(4), for which a state of emergency is declared under s. 252.36, such offense may be reclassified if the offense occurred within the affected area of such emergency, and there is in effect a curfew, evacuation order, or the ingress and egress to the affected area is controlled. The reclassification is as follows:

(1) A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.

(2) A misdemeanor of the first degree is reclassified to a felony of the third degree.



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(3) A felony of the third degree is reclassified to a felony of the second degree.

(4) A felony of the second degree is reclassified to a felony of the first degree.

(5) A felony of the first degree is reclassified to a life felony.

Section 9. Subsection (1) of section 741.29, Florida Statutes, is amended, to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(1) Any law enforcement officer who investigates an alleged incident of domestic violence shall do all of the following:

(a) Assist the victim to obtain medical treatment if ~~such~~ ~~is~~ required as a result of the alleged incident to which the officer responds. †

(b) Advise the victim of such violence that there is a domestic violence center from which the victim may receive services. †

(c) Administer a lethality assessment consistent with the requirements established in subsection (2) if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made. † ~~and~~

(d) Give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the department. As necessary, the department shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of s. 741.30 using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this



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state. The notice must include all of the following:

1. The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families.

2. Information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction.~~;~~~~and~~

3.2. A copy of the following statement:

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

(e) Give the victim a pamphlet developed and distributed by the department which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

Section 10. Paragraph (b) of subsection (3), paragraph (b) of subsection (6), and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:



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741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(3)

(b) The verified petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

The undersigned petitioner ...(name)... declares under penalties of perjury that the following statements are true:

1.~~(a)~~ Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

2.~~(b)~~ Respondent resides at: ...(last known address)...

3.~~(c)~~ Respondent's last known place of employment: ...(name of business and address)...

4.~~(d)~~ Physical description of respondent:

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....



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5.~~(e)~~ Aliases of respondent:

6.~~(f)~~ Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

7.~~(g)~~ The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:

Case numbers should be included if available.

8.~~(h)~~ Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has: ...(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)...

.....
.....
....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes,~~as any assault,~~



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~~aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another.~~

With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. Refer to s. 741.28, to view the enumerated criminal offenses that may constitute domestic violence.

....previously threatened, harassed, stalked, or physically abused the petitioner.

....attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

....threatened to conceal, kidnap, or harm the petitioner's child or children.

....intentionally injured or killed a family pet or used the family pet as a means of coercive control. A family pet includes a service animal as defined in s. 413.08(1), and an emotional support animal as defined in s. 760.27(1).

....used, or has threatened to use, against the petitioner any weapons such as guns or knives.

....physically restrained the petitioner from leaving the home or calling law enforcement.

....a criminal history involving violence or the threat of violence (if known).

....another order of protection issued against him or her previously or from another jurisdiction (if known).

....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or



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other items belonging to the petitioner.

....engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short.

....engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

9.~~(i)~~ Petitioner alleges the following additional specific facts: ...(mark appropriate sections)...

....A minor child or minor children reside with the petitioner whose names and ages are as follows:

....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because:

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

10.~~(j)~~ Petitioner genuinely fears imminent domestic violence by respondent.

11.~~(k)~~ Petitioner seeks an injunction: ...(mark appropriate section or sections)...

....Immediately restraining the respondent from committing any acts of domestic violence.

....Restraining the respondent from committing any acts of domestic violence.



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....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

....Providing a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party.

....Designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if temporary time-sharing of the child is awarded to the respondent.

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(6)

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent,



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including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed a family pet or used the family pet as a means of coercive control. A family pet includes a service animal as defined in s. 413.08(1) and an emotional support animal as defined in s. 760.27(1).

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of



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becoming victims of any act of domestic violence.

11. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-11.

(8)

(b) A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 11. Present subsection (6) of section 741.31, Florida Statutes, is redesignated as subsection (7) and amended, a new subsection (6) is added to that section, and paragraph (c) of subsection (4) and subsection (5) of that section are amended, to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)

(c) A person who has a ~~two or more~~ prior conviction



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~~convictions~~ for a violation of an injunction or a foreign protection order, and who subsequently commits another a violation of any injunction or foreign protection order, regardless of whether the violation is against the same victim, 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 paragraph, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(5) Regardless of whether ~~or not~~ there is a criminal prosecution under subsection (4), the court:

(a) Shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(b) The court may order the respondent to electronic monitoring supervision for a period of one year, if the injunction for protection remains in effect. The court may extend such an order if the respondent violates the injunction for protection or commits a new criminal offense. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(6) The court shall order the respondent to electronic monitoring supervision in any situation under s. 741.281(2).



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(7)~~(6)~~ Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorney ~~attorneys'~~ fees for enforcement of the injunction.

Section 12. Paragraph (b) of subsection (4) and subsection (11) of section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.—

(4)

(b) The verified petition must be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, OR DATING VIOLENCE

The undersigned petitioner ...(name)... declares under penalties of perjury that the following statements are true:

1. Petitioner resides at ...(address)... (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)



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2. Respondent resides at ...(address)....

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: ...(enumerate incidents of violence)...

b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: ...(enumerate incident of violence and include incident report number from law enforcement agency or attach notice of inmate release)...

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: ...(list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship)...



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4. Has respondent engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short?... (if the answer is yes, list the specific incident or incidents) ...

5.4. Petitioner genuinely fears repeat violence by the respondent.

6.5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of violence; an injunction enjoining the respondent from committing any further acts of violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and the petitioner's immediate family, including any injunctions or directives to law enforcement agencies.

(11) Any law enforcement officer who investigates an alleged incident of dating violence shall do all of the following:

(a) Assist the victim to obtain medical treatment if ~~such~~ ~~is~~ required as a result of the alleged incident to which the officer responds.

~~(b) Any law enforcement officer who investigates an alleged incident of dating violence shall~~ Advise the victim of such



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violence that there is a domestic violence center from which the victim may receive services.

(c) ~~The law enforcement officer shall~~ Give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout the state. The notice must ~~shall~~ include all of the following:

1. ~~(a)~~ The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families.

2. Information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction. ~~and~~

3. ~~(b)~~ A copy of the following statement:

"IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from dating violence which may include, but need not be limited to, provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment."

(d) Give the victim a pamphlet developed and distributed by



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the department which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

(e) If applicable, administer a lethality assessment pursuant to s. 741.29(2)(e) and follow the requirements of s. 741.29(2)(f)-(i).

Section 13. Subsection (2) of section 784.047, Florida Statutes, is amended, and subsections (3) is added to that section, to read:

784.047 Penalties for violating protective injunction against violators.—

(2) A person who has a two or more prior conviction ~~convictions~~ for a violation of an injunction or foreign protection order, and who subsequently commits another a violation of any injunction or foreign protection order, regardless of whether the violation is against the same victim, 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 which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(3)(a) The court may order the respondent to electronic monitoring supervision for a period of one year, if the injunction for protection remains in effect. The court may extend such an order if the respondent violates the injunction for protection or commits a new criminal offense. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the



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petitioner. The respondent is responsible for paying for the
electronic monitoring services as provided in s. 948.09(2).

(b) The court shall order the respondent to electronic
monitoring supervision in any situation under s. 741.281(2).

Section 14. Section 784.0471, Florida Statutes, is created
to read:

784.0471 Violation of a protective injunction during a
state of emergency.—

If a person commits a violation of an injunction for
protection against dating violence, repeat violence, or sexual
violence during an emergency, as defined in s. 252.34(4), for
which a state of emergency is declared under s. 252.36 may be
reclassified if the offense occurred within the affected area of
such emergency, and there is in effect a curfew, evacuation
order, or the ingress and egress to the affected area is
controlled. The reclassification is as follows:

(1) A misdemeanor of the second degree is reclassified to a
misdemeanor of the first degree.

(2) A misdemeanor of the first degree is reclassified to a
felony of the third degree.

(3) A felony of the third degree is reclassified to a
felony of the second degree.

(4) A felony of the second degree is reclassified to a
felony of the first degree.

(5) A felony of the first degree is reclassified to a life
felony.

Section 15. Subsection (1) of section 960.198, Florida
Statutes, is amended to read:

960.198 Relocation assistance for victims of domestic



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violence.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$2,500 ~~\$1,500~~ on any one claim and a lifetime maximum of \$5,000 ~~\$3,000~~ to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Section 16. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

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

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

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

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s.



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948.06:

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

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

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

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

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

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.



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

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

Sentencing multipliers:

Aggravated Animal Cruelty: If the primary offense is aggravated animal cruelty under s. 828.12(2), which included the knowing



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and intentional torture or torment of an animal that injured, mutilated, or killed the animal, the subtotal sentence points are multiplied by 1.25. As used in this paragraph, the term "animal" does not include an animal used for agricultural purposes or permitted as captive wildlife as authorized under s. 379.303.

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

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

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.



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Fleeing or attempting to elude a law enforcement officer: If the primary offense is fleeing or attempting to elude a law enforcement officer or aggravated fleeing or eluding in violation of s. 316.1935, and in the offender's prior record, there is one or more violation of s. 316.1935, the subtotal sentence points are multiplied by 1.5.

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

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

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the



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primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 17. Paragraph (f) of subsection (2) of section 943.0584, Florida Statutes, is amended to read:

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:

(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 ~~s. 741.28(3)~~;

Section 18. Paragraph (b) of subsection (2) of section 943.171, Florida Statutes, is amended to read:



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943.171 Basic skills training in handling domestic violence cases.—

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

(b) "Household member" has the meaning set forth in s. 741.28 ~~s. 741.28(3)~~.

Section 19. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to violent criminal offenses;
providing a short title; amending s. 365.171, F.S.;
requiring the emergency communications state plan to
include a system or process to flag specified
addresses; requiring that such system correspond
between all emergency services; requiring that an
address remain flagged for a specified period of time;
providing that such period of time resets under
certain circumstances; requiring counties to integrate
such system or process in accordance with the county's
resources and availability; amending s. 401.27, F.S.;
requiring the Department of Health to establish
certain training criteria by rule; requiring emergency
medical technicians and paramedics to complete
training in the subject of domestic violence, dating
violence, and strangulation for certification and
recertification; providing requirements for such



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training; requiring emergency medical technicians and paramedics who are trained outside this state or in the military to provide proof of successful completion of such training; amending s. 633.408, F.S.; requiring the Division of State Fire Marshal within the Department of Financial Services to establish certain training courses by rule; requiring the division to provide training on the subject of domestic violence, dating violence, and strangulation for the certification of career and volunteer firefighters; providing requirements for such training; amending s. 741.28, F.S.; revising the definition of the term "domestic violence"; defining the term "electronic monitoring"; amending s. 741.281, F.S.; authorizing, and in certain circumstances requiring, a court to order electronic monitoring in domestic violence cases; creating s. 741.282, F.S.; authorizing the court or a state attorney to enter into a written agreement with certain persons to participate in a domestic violence diversion program; requiring the Department of Corrections to supervise such diversion programs; providing conditions a person must accept in order to participate in a diversion program; providing requirements for a person participating in a diversion program; requiring a qualified professional to provide a treatment plan under certain circumstances; requiring a qualified professional to file with the court weekly treatment progress reports based on a specified determination; requiring a qualified



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1084 professional to make a specified certification to the
1085 court; requiring the court to make certain written
1086 findings; providing requirements for the court based
1087 on whether a person successfully completes the
1088 diversion program; creating s. 741.285, F.S.;
1089 providing an enhancement to offenses of domestic
1090 violence that occur during an active state of
1091 emergency in an affected area; amending s. 741.29,
1092 F.S.; revising the information a law enforcement
1093 officer must provide to a victim of an alleged
1094 incident of domestic violence; amending s. 741.30,
1095 F.S.; revising the information contained in a petition
1096 for injunction for protection against domestic
1097 violence; revising the name of the statewide
1098 verification system created within the Department of
1099 Law Enforcement; amending s. 741.31, F.S.;
1100 reclassifying a subsequent violation of an injunction
1101 for protection against domestic violence as a third
1102 degree felony offense; removing the requirement for
1103 subsequent violations to be against the same victim;
1104 authorizing, and in certain circumstances requiring, a
1105 court to order electronic monitoring for a specified
1106 duration in domestic violence cases; requiring the
1107 respondent to pay for such electronic monitoring
1108 services; amending s. 784.046, F.S.; revising the
1109 information contained in a petition for injunction for
1110 protection against repeat violence, sexual violence,
1111 or dating violence; revising the information a law
1112 enforcement officer must provide to a victim of an



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1113 alleged incident of dating violence; requiring a law
1114 enforcement officer to administer a lethality
1115 assessment in an alleged incident of dating violence;
1116 amending s. 784.047, F.S.; reclassifying a subsequent
1117 violation of an injunction for protection against
1118 dating violence, repeat violence, or sexual violence
1119 as a third degree felony offense; removing the
1120 requirement for subsequent violations to be against
1121 the same victim; authorizing, and in certain
1122 circumstances requiring, a court to order electronic
1123 monitoring for a specified duration for violating an
1124 injunction for protection against dating violence,
1125 repeat violence, or sexual violence; requiring the
1126 respondent to pay for such electronic monitoring
1127 services; creating s. 784.0471, F.S.; providing an
1128 enhancement to violations of injunctions for
1129 protection against dating violence, repeat violence,
1130 and sexual violence that occur during an active state
1131 of emergency in an affected area; amending s. 960.198,
1132 F.S.; increasing the dollar amounts for relocation
1133 assistance for victims of domestic violence; amending
1134 ss. 921.0024, 943.0584, and 943.171, F.S.; conforming
1135 cross-references; providing an effective date.

By Senator Calatayud

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1 A bill to be entitled
 2 An act relating to violent criminal offenses;
 3 providing a short title; amending s. 365.171, F.S.;
 4 requiring the emergency communications state plan to
 5 include a system or process to flag specified
 6 addresses; requiring that such system correspond
 7 between all emergency services; requiring that an
 8 address remain flagged for a specified period of time;
 9 providing that such period of time resets under
 10 certain circumstances; requiring counties to integrate
 11 such system or process in accordance with the county's
 12 resources and availability; amending s. 401.27, F.S.;
 13 requiring the Department of Health to establish
 14 certain training criteria by rule; requiring emergency
 15 medical technicians and paramedics to complete
 16 training in the subject of domestic violence, dating
 17 violence, and strangulation for certification and
 18 recertification; providing requirements for such
 19 training; requiring emergency medical technicians and
 20 paramedics who are trained outside this state or in
 21 the military to provide proof of successful completion
 22 of such training; amending s. 633.408, F.S.; requiring
 23 the Division of State Fire Marshal within the
 24 Department of Financial Services to establish certain
 25 training courses by rule; requiring the division to
 26 provide training on the subject of domestic violence,
 27 dating violence, and strangulation for the
 28 certification of career and volunteer firefighters;
 29 providing requirements for such training; amending s.

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30 741.28, F.S.; revising the definition of the term
 31 "domestic violence"; defining the term "electronic
 32 monitoring"; amending s. 741.281, F.S.; authorizing,
 33 and in certain circumstances requiring, a court to
 34 order electronic monitoring in domestic violence
 35 cases; creating s. 741.282, F.S.; authorizing the
 36 court or a state attorney to enter into a written
 37 agreement with certain persons to participate in a
 38 domestic violence diversion program; requiring the
 39 Department of Corrections to supervise such diversion
 40 programs; providing conditions a person must accept in
 41 order to participate in a diversion program; providing
 42 requirements for a person participating in a diversion
 43 program; requiring a qualified professional to provide
 44 a treatment plan under certain circumstances;
 45 requiring a qualified professional to file with the
 46 court weekly treatment progress reports based on a
 47 specified determination; requiring a qualified
 48 professional to make a specified certification to the
 49 court; requiring the court to make certain written
 50 findings; providing requirements for the court based
 51 on whether a person successfully completes the
 52 diversion program; amending s. 741.283, F.S.;
 53 requiring the court to impose certain sentences if a
 54 person does not participate in a domestic violence
 55 diversion program; amending s. 741.29, F.S.; revising
 56 the information a law enforcement officer must provide
 57 to a victim of an alleged incident of domestic
 58 violence; requiring, if a lethality assessment is

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59 performed, a law enforcement officer to provide a
 60 specified statement to a victim and the aggressor;
 61 authorizing a law enforcement officer or designated
 62 liaison to follow up with a victim within a specified
 63 amount of time after a written police report is filed;
 64 providing requirements for such follow up; requiring
 65 law enforcement officers to have their body cameras
 66 turned on and recording when investigating an
 67 allegation of an incident of domestic violence;
 68 amending s. 741.30, F.S.; revising the information
 69 contained in a petition for injunction for protection
 70 against domestic violence; revising the name of the
 71 statewide verification system created within the
 72 Department of Law Enforcement; amending s. 741.31,
 73 F.S.; providing for enhanced penalties for a violation
 74 of an injunction for protection against domestic
 75 violence; authorizing, and in certain circumstances
 76 requiring, a court to order electronic monitoring for
 77 a specified duration in domestic violence cases;
 78 requiring the respondent to pay for such electronic
 79 monitoring services; amending s. 784.046, F.S.;
 80 revising the information contained in a petition for
 81 injunction for protection against repeat violence,
 82 sexual violence, or dating violence; revising the
 83 information a law enforcement officer must provide to
 84 a victim of an alleged incident of dating violence;
 85 requiring a law enforcement officer to administer a
 86 lethality assessment in an alleged incident of dating
 87 violence; requiring law enforcement officers to have

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88 their body cameras turned on and recording when
 89 investigating an allegation of an incident of dating
 90 violence; amending s. 784.047, F.S.; providing for
 91 enhanced penalties for a violation of an injunction
 92 for protection against dating violence; authorizing,
 93 and in certain circumstances requiring, a court to
 94 order electronic monitoring for a specified duration
 95 in dating violence cases; requiring the respondent to
 96 pay for such electronic monitoring services; amending
 97 s. 960.198, F.S.; increasing the dollar amounts for
 98 relocation assistance for victims of domestic
 99 violence; amending ss. 921.0024, 943.0584, and
 100 943.171, F.S.; conforming cross-references; providing
 101 an effective date.

102
 103 Be It Enacted by the Legislature of the State of Florida:

104
 105 Section 1. This act may be cited as the "Domestic Emergency
 106 and Batterers Reform and Accountability Act."

107 Section 2. Subsection (6) of section 365.171, Florida
 108 Statutes, is amended, and paragraph (e) is added to subsection
 109 (4) of that section, to read:

110 365.171 Emergency communications state plan.—

111 (4) STATE PLAN.—The office shall develop, maintain, and
 112 implement appropriate modifications for a statewide emergency
 113 communications plan. The plan shall provide for:

114 (e) A system or process to flag addresses at which a "911"
 115 call was placed to local emergency services to report that an
 116 incident of domestic violence or dating violence has occurred.

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Such system must correspond between all emergency services, including, but not limited to, law enforcement, firefighting, emergency medical services, poison control, suicide prevention, and emergency management services. An address must remain flagged in the system for at least 1 year after the "911" call was placed that initiated the flag. The 1-year time period resets after each call relating to an allegation of an incident of domestic violence or dating violence at the same address.

The office shall be responsible for the implementation and coordination of such plan. The office shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan, pursuant to chapter 120.

(6) REGIONAL SYSTEMS.—This section does not prohibit or discourage the formation of multijurisdictional or regional systems; and any system established pursuant to this section may include the jurisdiction, or any portion thereof, of more than one public agency. It is the intent of the Legislature that emergency communications services be available throughout the state. Expenditure by counties of the fee authorized and imposed under s. 365.172 should support this intent to the greatest extent feasible within the context of local service needs and fiscal capability. Each county shall integrate the system or process created in paragraph (4)(e) based on the county's resources and availability. This section does not prohibit two or more counties from establishing a combined emergency communications service by an interlocal agreement and using the fees authorized and imposed by s. 365.172 for such combined service.

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Section 3. Subsections (4), (5), and (11) of section 401.27, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

401.27 Personnel; standards and certification.—

(2) The department shall establish by rule educational and training criteria and examinations for the certification and recertification of emergency medical technicians and paramedics. Such rules must require, but need not be limited to:

(c) For emergency medical technicians and paramedics, a training program approved by the department for instruction in the subject of domestic violence, dating violence, and strangulation.

(4) An applicant for certification or recertification as an emergency medical technician or paramedic must do all of the following:

(a) Have completed an appropriate training program as follows:

1. For an emergency medical technician, an emergency medical technician training program approved by the department as equivalent to the most recent EMT-Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation; or

2. For a paramedic, a paramedic training program approved by the department as equivalent to the most recent EMT-Paramedic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation.†

(b) Have completed a training program approved by the department for instruction in the subject of domestic violence, dating violence, and strangulation.

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1. Beginning July 1, 2026, emergency medical technicians and paramedics seeking initial certification must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases.

2. Emergency medical technicians and paramedics who were certified before July 1, 2026, must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases during the refresher training program required under subsection (5).

(c) ~~(b)~~ Attest that he or she is not addicted to alcohol or any controlled substance. ~~+~~

(d) ~~(c)~~ Attest that he or she is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties. ~~+~~

(e) ~~(d)~~ Within 2 years after program completion have passed an examination developed or required by the department. ~~+~~

(f) 1. ~~(e) 1.~~ For an emergency medical technician, hold a current American Heart Association cardiopulmonary resuscitation course card or an American Red Cross cardiopulmonary resuscitation course card or its equivalent as defined by department rule; or

2. For a paramedic, hold a certificate of successful course completion in advanced cardiac life support from the American Heart Association or its equivalent as defined by department rule. ~~+~~

(g) ~~(f)~~ Submit the certification fee and the nonrefundable examination fee prescribed in s. 401.34, which examination fee will be required for each examination administered to an applicant. ~~+~~ ~~and~~

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(h) ~~(g)~~ Submit a completed application to the department, which application documents compliance with paragraphs (a)-(d), ~~(b)~~, ~~(c)~~, ~~(e)~~, (f), (g), and this paragraph, and, if applicable, paragraph (e) ~~(d)~~.

(5) (a) The department shall establish by rule a procedure for biennial renewal certification of emergency medical technicians. Such rules must require a United States Department of Transportation refresher training program of at least 30 hours and a 2-hour training program for instruction in the subject of domestic violence, dating violence, and strangulation as approved by the department every 2 years. The refresher program may be offered in multiple presentations spread over the 2-year period. The rules must also provide that the refresher course requirement may be satisfied by passing a challenge examination.

(b) The department shall establish by rule a procedure for biennial renewal certification of paramedics. Such rules must require candidates for renewal to have taken at least 30 hours of continuing education units and a 2-hour training program for instruction in the subject of domestic violence, dating violence, and strangulation during the 2-year period. The rules must provide that the continuing education requirement may be satisfied by passing a challenge examination.

(11) An applicant for certification as an emergency medical technician or a paramedic who is trained outside the state, or trained in the military, must provide proof of a current, nationally recognized emergency medical technician or paramedic certification or registration that is recognized by the department and based upon successful completion of a training

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program approved by the department as being equivalent to the most recent EMT-Basic or EMT-Paramedic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and hold a current certificate of successful course completion in cardiopulmonary resuscitation (CPR) or advanced cardiac life support for emergency medical technicians or paramedics, respectively, to be eligible for the certification. An applicant for certification as an emergency medical technician or a paramedic who is trained outside this state, or trained in the military, must provide proof of successful completion of a training program that included instruction on the subject of domestic violence, dating violence, and strangulation as required under paragraph (4)(b).

Section 4. Present subsection (9) of section 633.408, Florida Statutes, is redesignated as subsection (10), paragraph (e) is added to subsection (1) of that section, and a new subsection (9) is added to that section, to read:

633.408 Firefighter and volunteer firefighter training and certification.—

(1) The division shall establish by rule:

(e) Courses to provide training for career and volunteer firefighters on the subject of domestic violence, dating violence, and strangulation. Such training must be a requirement for obtaining a Firefighter Certificate of Compliance, a Volunteer Firefighter Certificate of Completion, or a Special Certificate of Compliance.

(9) The division shall establish a program to provide training in the subject of domestic violence, dating violence, and strangulation for career and volunteer firefighters.

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(a) Beginning July 1, 2026, career and volunteer firefighters seeking initial certification must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases.

(b) Career and volunteer firefighters certified before July 1, 2026, must complete a minimum of 2 hours of training in handling domestic violence, dating violence, and strangulation cases during the continuing training required under paragraph (1)(c).

Section 5. Present subsections (3) and (4) of section 741.28, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31:

(2) "Domestic violence" means any ~~assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any~~ criminal offense resulting in physical injury or death of one family or household member by another family or household member. The term includes, but is not limited to, the following criminal offenses:

(a) Assault.

(b) Aggravated assault.

(c) Battery.

(d) Aggravated battery.

(e) Battery by strangulation.

(f) Domestic battery by strangulation.

(g) Sexual assault.

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291 (h) Sexual battery.
 292 (i) Stalking.
 293 (j) Aggravated stalking.
 294 (k) Child abuse.
 295 (l) Aggravated child abuse.
 296 (m) Kidnapping.
 297 (n) False imprisonment.
 298 (o) Violation of an injunction for protection against
 299 domestic violence, repeat violence, dating violence, sexual
 300 violence, or stalking.
 301 (p) Criminal mischief.
 302 (q) Installation or use of tracking devices or tracking
 303 applications.
 304 (r) Sexual cyberharassment.
 305 (s) Cyberstalking.
 306 (t) Offenses against users of computers, computer systems,
 307 computer networks, and electronic devices.
 308 (u) Cruelty to animals.
 309 (3) "Electronic monitoring" means tracking the location of
 310 a person through the use of technology that is capable of
 311 determining or identifying the monitored person's presence or
 312 absence at a particular location, including, but not limited to:
 313 (a) Radio frequency signaling technology, which detects
 314 whether the monitored person is or is not at an approved
 315 location and notifies the monitoring agency of the time that the
 316 monitored person either leaves the approved location or tampers
 317 with or removes the monitoring device; or
 318 (b) Active or passive global positioning system technology,
 319 which detects the location of the monitored person and notifies

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320 the monitoring agency of the monitored person's location and
 321 which may also include electronic monitoring with victim
 322 notification technology that is capable of notifying a victim or
 323 protected party, either directly or through a monitoring agency,
 324 if the monitored person enters within the restricted distance of
 325 a victim or protected party or within the restricted distance of
 326 a designated location.
 327 Section 6. Section 741.281, Florida Statutes, is amended to
 328 read:
 329 741.281 Court to order batterers' intervention program
 330 attendance; electronic monitoring.—
 331 (1) If a person is found guilty of, has adjudication
 332 withheld on, or pleads nolo contendere to a crime of domestic
 333 violence, ~~as defined in s. 741.28,~~ that person shall be ordered
 334 by the court to a minimum term of 1 year's probation and the
 335 court shall order that the defendant attend and complete a
 336 batterers' intervention program as a condition of probation. The
 337 court must impose the condition of the batterers' intervention
 338 program for a defendant under this section, but the court, in
 339 its discretion, may determine not to impose the condition if it
 340 states on the record why a batterers' intervention program might
 341 be inappropriate. The court must impose the condition of the
 342 batterers' intervention program for a defendant placed on
 343 probation unless the court determines that the person does not
 344 qualify for the batterers' intervention program pursuant to s.
 345 741.325. The imposition of probation under this section does not
 346 preclude the court from imposing any sentence of imprisonment
 347 authorized by s. 775.082.
 348 (2) If a person is found guilty of, has adjudication

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withheld on, or pleads nolo contendere to a crime of domestic violence, the court may order the person to have electronic monitoring supervision. The court must order electronic monitoring supervision in the following situations:

(a) The court finds there is clear and convincing evidence that the defendant poses a continuing threat to the victim;

(b) The defendant has previously violated an injunction for protection against domestic violence, dating violence, repeat violence, sexual violence, or stalking; or

(c) During a lethality assessment, if performed, there is evidence of strangulation or other indications that warrant a higher level of concern for the well-being of the petitioner.

Section 7. Section 741.282, Florida Statutes, is created to read:

741.282 Domestic violence diversion program.—

(1) If a diversion program is available and a person meets the eligibility criteria, the court or state attorney may enter into a written agreement with the person to participate in a domestic violence diversion program. The Department of Corrections shall supervise the domestic violence diversion programs.

(2) A person is eligible to participate in a domestic violence diversion program if the person is charged with the commission of a misdemeanor of domestic violence under s. 741.31 and the person is a first-time domestic violence offender.

(3) The written diversion agreement must include all of the following conditions, which must be accepted by the person:

(a) The person admits his or her guilt.

(b) The person agrees to attend and participate in a

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domestic violence diversion program.

(c) The person knowingly signs a waiver of his or her right to a speedy trial for the period of his or her diversion.

(4) A person who participates in a domestic violence diversion program must:

(a) Appear before the court within 45 days after entering the domestic violence diversion program to determine the person's compliance with the conditions and requirements of the written diversion agreement. The court may set additional status hearings to monitor the person's progress in the diversion program.

(b) Complete the domestic violence diversion program within 1 year after the person enters the diversion program.

(c) Complete a batterers' intervention program within 9 months after the person enters the diversion program.

(d) Participate in a clinical assessment conducted by a qualified professional as defined in s. 39.01 to determine if the person has mental health or substance use issues.

(5) If a qualified professional determines, after the clinical assessment required under paragraph (4)(d), that the person has mental health or substance use issues, the qualified professional must provide a treatment plan for the person. A qualified professional who provides a treatment plan for a person in the diversion program must provide to the court weekly treatment progress reports.

(6) At the end of the domestic violence diversion program, the qualified professional must certify to the court that the person has complied with all requirements of the treatment plan. The court shall consider the recommendation of the state

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attorney as to the disposition of the pending charges and determine, by written finding, whether the person successfully completed the domestic violence diversion program. The court shall dismiss the charges upon finding the person has successfully completed the diversion program. If the court finds that the person has not successfully completed the diversion program, the court must return the charges to the criminal docket for prosecution.

Section 8. Subsection (1) of section 741.283, Florida Statutes, is amended to read:

741.283 Minimum term of imprisonment for domestic violence.—

(1)(a) Except as provided in paragraph (b) or s. 741.282, if a person is adjudicated guilty of a crime of domestic violence, ~~as defined in s. 741.28~~, and the person has intentionally caused bodily harm to another person, the court shall order the person to serve a minimum of 10 days in the county jail for a first offense, 15 days for a second offense, and 20 days for a third or subsequent offense as part of the sentence imposed, unless the court sentences the person to a nonsuspended period of incarceration in a state correctional facility.

(b) Except as provided in s. 741.282, if a person is adjudicated guilty of a crime of domestic violence, ~~as defined in s. 741.28~~, and the person has intentionally caused bodily harm to another person, and the crime of domestic violence takes place in the presence of a child under 16 years of age who is a family or household member, as defined in s. 741.28, of the victim or the perpetrator, the court shall order the person to

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serve a minimum of 15 days in the county jail for a first offense, 20 days for a second offense, and 30 days for a third or subsequent offense as part of the sentence imposed, unless the court sentences the person to a nonsuspended period of incarceration in a state correctional facility.

Section 9. Present paragraph (i) of subsection (2) of section 741.29, Florida Statutes, is redesignated as paragraph (j), a new paragraph (i) is added to that subsection, and subsections (1) and (3) of that section are amended, to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(1) Any law enforcement officer who investigates an alleged incident of domestic violence shall do all of the following:

(a) Stress the importance of seeking medical treatment and assist the victim to obtain medical treatment if ~~such is~~ required as a result of the alleged incident to which the officer responds.~~+~~

(b) Advise the victim of such violence that there is a domestic violence center from which the victim may receive services.~~+~~

(c) Administer a lethality assessment consistent with the requirements established in subsection (2) if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made.~~+~~ ~~and~~

(d) Give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the department. As necessary, the department shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of s. 741.30 using simple English as

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well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout this state. The notice must include all of the following:

1. The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families.

2. Information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction.~~and~~

3.2- A copy of the following statement:

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

(e) Give the victim a pamphlet developed and distributed by the department which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

(2) The department shall consult with the Department of

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Children and Families, the Florida Sheriffs Association, the Florida Police Chiefs Association, the Florida Partnership to End Domestic Violence, and at least two domestic violence advocacy organizations to develop the policies, procedures, and training necessary for implementation of a statewide evidence-based lethality assessment. Such policies, procedures, and training must establish how to determine whether a victim and aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center. The group must review the questions in paragraph (e) and make a recommendation as to whether all questions should be included in the statewide lethality assessment instrument and form. By January 1, 2025, the department must adopt a statewide lethality assessment instrument and form. If a question in paragraph (e) is eliminated from the assessment, the department must confirm that the remaining or altered questions constitute an evidence-based lethality assessment. By January 31, 2025, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results and recommendations of the group, including any proposed statutory changes that are necessary for implementation of a statewide lethality assessment. Training on how to administer a lethality assessment and the approved lethality assessment form must be accessible to a law enforcement officer in an online format.

(i)1. If a lethality assessment is administered, the law enforcement officer must provide to both the victim and aggressor a copy of the following statement:

Section 741.29, Florida Statutes, authorizes a law

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523 enforcement officer or a designated representative of
 524 the Department of Law Enforcement to follow up with an
 525 alleged victim after a written police report based on
 526 the investigation of an allegation that an incident of
 527 domestic violence occurred is filed. A law enforcement
 528 officer or designated representative may follow up
 529 randomly in person or by telephone.

531 2. If the aggressor is not present at the time of the
 532 lethality assessment or the law enforcement officer is otherwise
 533 unable to provide a copy of the written statement required under
 534 subparagraph 1. to the aggressor, the law enforcement officer
 535 must leave a copy of the written statement at the home address
 536 of the aggressor.

537 3. If a lethality assessment is administered, a law
 538 enforcement officer, or a designated liaison within the
 539 department, may follow up with the victim within 24 hours after
 540 the written police report required under subsection (3) is
 541 filed. The officer or liaison may follow up in person or by
 542 telephone. If the officer or liaison follows up by telephone, he
 543 or she must call the victim at least three times to satisfy the
 544 requirement of this paragraph. The officer or liaison may not
 545 leave a voicemail if the call goes unanswered. If the officer or
 546 liaison does not reach the victim after three attempts, the
 547 officer or liaison may conduct an in-person wellness check on
 548 the victim.

549 (3) When a law enforcement officer investigates an
 550 allegation that an incident of domestic violence has occurred,
 551 the officer shall handle the incident pursuant to the arrest

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552 policy provided in s. 901.15(7), and as developed in accordance
 553 with subsections (4)-(6). If a law enforcement officer is
 554 wearing a body camera, as defined in s. 943.1718(1), the officer
 555 must have the camera turned on and recording when investigating
 556 an allegation that an incident of domestic violence has
 557 occurred. Regardless of whether an arrest is made, the officer
 558 shall make a written police report that is complete and clearly
 559 indicates the alleged offense was an incident of domestic
 560 violence. Such report must be given to the officer's supervisor
 561 and filed with the law enforcement agency in a manner that will
 562 permit data on domestic violence cases to be compiled. Such
 563 report must include all of the following:

564 (a) A description of physical injuries observed, if any.

565 (b) If a law enforcement officer decides not to make an
 566 arrest or decides to arrest two or more parties, the grounds for
 567 not arresting anyone or for arresting two or more parties.

568 (c) A statement that ~~which~~ indicates that a copy of the
 569 legal rights and remedies notice was given to the victim.

570 (d) A notation of the score of a lethality assessment, if
 571 one was administered pursuant to paragraph (1)(c).

572
 573 Whenever possible, the law enforcement officer shall obtain a
 574 written statement from the victim and witnesses concerning the
 575 alleged domestic violence. The officer shall submit the report
 576 to the supervisor or other person to whom the employer's rules
 577 or policies require reports of similar allegations of criminal
 578 activity to be made. The law enforcement agency shall, without
 579 charge, send a copy of the initial police report, as well as any
 580 subsequent, supplemental, or related report, which excludes

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victim/witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the domestic violence incident.

Section 10. Paragraph (b) of subsection (3), paragraph (b) of subsection (6), and paragraph (b) of subsection (8) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(3)

(b) The verified petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

The undersigned petitioner ...(name)... declares under penalties of perjury that the following statements are true:

1.~~(a)~~ Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

2.~~(b)~~ Respondent resides at: ...(last known address)...

3.~~(c)~~ Respondent's last known place of employment: ...(name

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of business and address)...

4.~~(d)~~ Physical description of respondent:

Race.....

Sex.....

Date of birth.....

Height.....

Weight.....

Eye color.....

Hair color.....

Distinguishing marks or scars.....

5.~~(e)~~ Aliases of respondent:

6.~~(f)~~ Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

7.~~(g)~~ The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt:

Case numbers should be included if available.

8.~~(h)~~ Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger

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639 of becoming a victim of domestic violence because respondent
 640 has: ...(mark all sections that apply and describe in the spaces
 641 below the incidents of violence or threats of violence,
 642 specifying when and where they occurred, including, but not
 643 limited to, locations such as a home, school, place of
 644 employment, or visitation exchange)...

645
 646
 647committed or threatened to commit domestic violence
 648 defined in s. 741.28, Florida Statutes, as any ~~assault,~~
 649 ~~aggravated assault, battery, aggravated battery, sexual assault,~~
 650 ~~sexual battery, stalking, aggravated stalking, kidnapping, false~~
 651 ~~imprisonment, or any~~ criminal offense resulting in physical
 652 injury or death of one family or household member by another.
 653 With the exception of persons who are parents of a child in
 654 common, the family or household members must be currently
 655 residing or have in the past resided together in the same single
 656 dwelling unit. Refer to s. 741.28, Florida Statutes, to view the
 657 enumerated criminal offenses that may constitute domestic
 658 violence.

659previously threatened, harassed, stalked, or physically
 660 abused the petitioner.

661attempted to harm the petitioner or family members or
 662 individuals closely associated with the petitioner.

663threatened to conceal, kidnap, or harm the petitioner's
 664 child or children.

665intentionally injured or killed a family pet or used
 666 the family pet as a means of coercive control. A family pet
 667 includes a service animal as defined in s. 413.08(1), Florida

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668 Statutes, and an emotional support animal as defined in s.
 669 760.27(1), Florida Statutes.

670used, or has threatened to use, against the petitioner
 671 any weapons such as guns or knives.

672physically restrained the petitioner from leaving the
 673 home or calling law enforcement.

674a criminal history involving violence or the threat of
 675 violence (if known).

676another order of protection issued against him or her
 677 previously or from another jurisdiction (if known).

678destroyed personal property, including, but not limited
 679 to, telephones or other communication equipment, clothing, or
 680 other items belonging to the petitioner.

681engaged in a pattern of abusive, threatening,
 682 intimidating, or controlling behavior composed of a series of
 683 acts over a period of time, however short.

684engaged in any other behavior or conduct that leads the
 685 petitioner to have reasonable cause to believe he or she is in
 686 imminent danger of becoming a victim of domestic violence.

687 9.(4) Petitioner alleges the following additional specific
 688 facts: ...(mark appropriate sections)...

689A minor child or minor children reside with the
 690 petitioner whose names and ages are as follows:

691

692Petitioner needs the exclusive use and possession of
 693 the dwelling that the parties share.

694Petitioner is unable to obtain safe alternative housing
 695 because:

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697 ...Petitioner genuinely fears that respondent imminently
 698 will abuse, remove, or hide the minor child or children from
 699 petitioner because:
 700
 701 ~~10.(j)~~ Petitioner genuinely fears imminent domestic
 702 violence by respondent.
 703 ~~11.(k)~~ Petitioner seeks an injunction: ...(mark appropriate
 704 section or sections)...
 705 ...Immediately restraining the respondent from committing
 706 any acts of domestic violence.
 707 ...Restraining the respondent from committing any acts of
 708 domestic violence.
 709 ...Awarding to the petitioner the temporary exclusive use
 710 and possession of the dwelling that the parties share or
 711 excluding the respondent from the residence of the petitioner.
 712 ...Providing a temporary parenting plan, including a
 713 temporary time-sharing schedule, with regard to the minor child
 714 or children of the parties which might involve prohibiting or
 715 limiting time-sharing or requiring that it be supervised by a
 716 third party.
 717 ...Designating that the exchange of the minor child or
 718 children of the parties must occur at a neutral safe exchange
 719 location as provided in s. 125.01(8) or a location authorized by
 720 a supervised visitation program as defined in s. 753.01 if
 721 temporary time-sharing of the child is awarded to the
 722 respondent.
 723 ...Establishing temporary support for the minor child or
 724 children or the petitioner.
 725 ...Directing the respondent to participate in a batterers'

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726 intervention program.
 727 ...Providing any terms the court deems necessary for the
 728 protection of a victim of domestic violence, or any minor
 729 children of the victim, including any injunctions or directives
 730 to law enforcement agencies.
 731 (6)
 732 (b) In determining whether a petitioner has reasonable
 733 cause to believe he or she is in imminent danger of becoming a
 734 victim of domestic violence, the court shall consider and
 735 evaluate all relevant factors alleged in the petition,
 736 including, but not limited to:
 737 1. The history between the petitioner and the respondent,
 738 including threats, harassment, stalking, and physical abuse.
 739 2. Whether the respondent has attempted to harm the
 740 petitioner or family members or individuals closely associated
 741 with the petitioner.
 742 3. Whether the respondent has threatened to conceal,
 743 kidnap, or harm the petitioner's child or children.
 744 4. Whether the respondent has intentionally injured or
 745 killed a family pet or used the family pet as a means of
 746 coercive control. A family pet includes a service animal as
 747 defined in s. 413.08(1) and an emotional support animal as
 748 defined in s. 760.27(1).
 749 5. Whether the respondent has used, or has threatened to
 750 use, against the petitioner any weapons such as guns or knives.
 751 6. Whether the respondent has physically restrained the
 752 petitioner from leaving the home or calling law enforcement.
 753 7. Whether the respondent has a criminal history involving
 754 violence or the threat of violence.

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8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.

11. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-11.

(8)

(b) A Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System is created within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the

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courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

Section 11. Present subsection (6) of section 741.31, Florida Statutes, is redesignated as subsection (7) and amended, paragraph (d) is added to subsection (4) of that section, a new subsection (6) is added to that section, and paragraph (c) of subsection (4) and subsection (5) of that section are amended, to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)

(c) A person who has a two-or-more prior conviction ~~convictions~~ for a violation of an injunction or a foreign protection order, and who subsequently commits another a violation of any injunction or foreign protection order, regardless of whether the violation is against the same victim, 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 paragraph, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(d)1. The penalty for a felony or misdemeanor committed under this section may be enhanced as follows:

a. A misdemeanor of the second degree may be punished as if it were a misdemeanor of the first degree.

b. A misdemeanor of the first degree may be punished as if it were a felony of the third degree.

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c. A felony of the third degree may be punished as if it were a felony of the second degree.

d. A felony of the second degree may be punished as if it were a felony of the first degree.

e. A felony of the first degree may be punished as if it were a life felony.

2. In addition to the enhancements under subparagraph 1., the penalty for a felony or misdemeanor committed under this section during an emergency, as defined in s. 252.34(4), for which a state of emergency is declared under s. 252.36 may be enhanced if the offense occurred within the locale of the state of emergency.

(5) Regardless of whether or not there is a criminal prosecution under subsection (4), the court:

(a) Shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(b) May order the respondent to electronic monitoring supervision for the duration of the injunction for protection. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

(6) The court shall order the respondent to electronic monitoring supervision in any situation under s. 741.281(2).

(7)(6) Any person who suffers an injury and/or loss as a

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result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and ~~attorney attorney's~~ fees for enforcement of the injunction.

Section 12. Paragraph (b) of subsection (4) and subsections (11) and (12) of section 784.046, Florida Statutes, are amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.—

(4)

(b) The verified petition must be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, OR DATING VIOLENCE

The undersigned petitioner ...(name)... declares under penalties of perjury that the following statements are true:

1. Petitioner resides at ...(address)... (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)

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871 2. Respondent resides at ...(address)....

872 3.a. Petitioner has suffered repeat violence as

873 demonstrated by the fact that the respondent has: ...(enumerate

874 incidents of violence)...

875

876

877

878

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880 b. Petitioner has suffered sexual violence as demonstrated

881 by the fact that the respondent has: ...(enumerate incident of

882 violence and include incident report number from law enforcement

883 agency or attach notice of inmate release)...

884

885

886

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888

889 c. Petitioner is a victim of dating violence and has

890 reasonable cause to believe that he or she is in imminent danger

891 of becoming the victim of another act of dating violence or has

892 reasonable cause to believe that he or she is in imminent danger

893 of becoming a victim of dating violence, as demonstrated by the

894 fact that the respondent has: ...(list the specific incident or

895 incidents of violence and describe the length of time of the

896 relationship, whether it has been in existence during the last 6

897 months, the nature of the relationship of a romantic or intimate

898 nature, the frequency and type of interaction, and any other

899 facts that characterize the relationship)...

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904

905 4. Has respondent engaged in a pattern of abusive,

906 threatening, intimidating, or controlling behavior composed of a

907 series of acts over a period of time, however short?... (if the

908 answer is yes, list the specific incident or incidents) ...

909

910

911 5.4- Petitioner genuinely fears repeat violence by the

912 respondent.

913 6.5- Petitioner seeks: an immediate injunction against the

914 respondent, enjoining him or her from committing any further

915 acts of violence; an injunction enjoining the respondent from

916 committing any further acts of violence; and an injunction

917 providing any terms the court deems necessary for the protection

918 of the petitioner and the petitioner's immediate family,

919 including any injunctions or directives to law enforcement

920 agencies.

921 (11) Any law enforcement officer who investigates an

922 alleged incident of dating violence shall do all of the

923 following:

924 (a) Stress the importance of seeking medical treatment and

925 assist the victim to obtain medical treatment if ~~such is~~

926 required as a result of the alleged incident to which the

927 officer responds.

928 (b) Any law enforcement officer who investigates an alleged

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incident of dating violence shall Advise the victim of such violence that there is a domestic violence center from which the victim may receive services.

(c) ~~The law enforcement officer shall~~ Give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout the state. The notice must ~~shall~~ include all of the following:

1. ~~(a)~~ The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Families.

2. Information on text-to-911 services and whether text-to-911 services are available in the victim's jurisdiction, ~~and~~

3. ~~(b)~~ A copy of the following statement:

"IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from dating violence which may include, but need not be limited to, provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment."

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(d) Give the victim a pamphlet developed and distributed by the department which describes the short-term and long-term effects of strangulation and the importance of seeking medical treatment if the victim was strangled.

(e) If applicable, administer a lethality assessment pursuant to s. 741.29(2)(e) and follow the requirements of s. 741.29(2)(f)-(i).

1. If a lethality assessment is administered, the law enforcement officer must provide to both the victim and aggressor a copy of the following statement:

Section 784.046, Florida Statutes, authorizes a law enforcement officer or a designated representative of the Department of Law Enforcement to follow up with an alleged victim after a written police report based on the investigation of an allegation that an incident of dating violence occurred is filed. A law enforcement officer or designated representative may follow up randomly in person or by telephone.

2. If the aggressor is not present at the time of the lethality assessment or the law enforcement officer is otherwise unable to provide a copy of the written statement required under subparagraph 1. to the aggressor, the law enforcement officer must leave a copy of the written statement at the home address of the aggressor.

3. If a lethality assessment is administered, a law enforcement officer, or a designated liaison within the department, may follow up with the victim within 24 hours after

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 987 the written police report required under subsection (3) is
 988 filed. The officer or liaison may follow up in person or by
 989 telephone. If the officer or liaison follows up by telephone, he
 990 or she must call the victim at least three times to satisfy the
 991 requirement of this subparagraph. The officer or liaison may not
 992 leave a voicemail if the call goes unanswered. If the officer or
 993 liaison does not reach the victim after three attempts, the
 994 officer or liaison may conduct an in-person wellness check on
 995 the victim.

996 (12) When a law enforcement officer investigates an
 997 allegation that an incident of dating violence has occurred, the
 998 officer shall handle the incident pursuant to the arrest policy
 999 provided in s. 901.15(7), and as developed in accordance with
 1000 subsections (13), (14), and (16). If a law enforcement officer
 1001 is wearing a body camera, as defined in s. 943.1718(1), the
 1002 officer must have the camera turned on and recording when
 1003 investigating an allegation that an incident of dating violence
 1004 has occurred. Regardless of whether ~~or not~~ an arrest is made,
 1005 the officer shall make a written police report that is complete
 1006 and clearly indicates that the alleged offense was an incident
 1007 of dating violence. Such report must ~~shall~~ be given to the
 1008 officer's supervisor and filed with the law enforcement agency
 1009 in a manner that will permit data on dating violence cases to be
 1010 compiled. Such report must include:

- 1011 (a) A description of physical injuries observed, if any.
 1012 (b) If a law enforcement officer decides not to make an
 1013 arrest or decides to arrest two or more parties, the grounds for
 1014 not arresting anyone or for arresting two or more parties.
 1015 (c) A statement that ~~which~~ indicates that a copy of the

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 1016 legal rights and remedies notice was given to the victim.
 1017
 1018 Whenever possible, the law enforcement officer shall obtain a
 1019 written statement from the victim and witnesses concerning the
 1020 alleged dating violence. The officer shall submit the report to
 1021 the supervisor or other person to whom the employer's rules or
 1022 policies require reports of similar allegations of criminal
 1023 activity to be made. The law enforcement agency shall, without
 1024 charge, send a copy of the initial police report, as well as any
 1025 subsequent, supplemental, or related report, which excludes
 1026 victim or witness statements or other materials that are part of
 1027 an active criminal investigation and are exempt from disclosure
 1028 under chapter 119, to the nearest locally certified domestic
 1029 violence center within 24 hours after the agency's receipt of
 1030 the report. The report furnished to the domestic violence center
 1031 must include a narrative description of the dating violence
 1032 incident.

1033 Section 13. Subsection (2) of section 784.047, Florida
 1034 Statutes, is amended, and subsections (3) and (4) are added to
 1035 that section, to read:

1036 784.047 Penalties for violating protective injunction
 1037 against violators.—

1038 (2) A person who has a ~~two or more~~ prior conviction
 1039 ~~convictions~~ for a violation of an injunction or foreign
 1040 protection order, and who subsequently commits another ~~a~~
 1041 violation of any injunction or foreign protection order,
 1042 regardless of whether the violation is against the same victim,
 1043 commits a felony of the third degree, punishable as provided in
 1044 s. 775.082, s. 775.083, or s. 775.084. For purposes of this

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subsection, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(3) (a) The penalty for a felony or misdemeanor committed under this section may be enhanced as follows:

1. A misdemeanor of the second degree may be punished as if it were a misdemeanor of the first degree.

2. A misdemeanor of the first degree may be punished as if it were a felony of the third degree.

3. A felony of the third degree may be punished as if it were a felony of the second degree.

4. A felony of the second degree may be punished as if it were a felony of the first degree.

5. A felony of the first degree may be punished as if it were a life felony.

(b) In addition to the enhancements under paragraph (a), the penalty for a felony or misdemeanor committed under this section during an emergency, as defined in s. 252.34(4), for which a state of emergency is declared under s. 252.36 may be enhanced if the offense occurred within the locale of the state of emergency.

(4) (a) The court may order the respondent to electronic monitoring supervision for the duration of the injunction for protection. If electronic monitoring is ordered, the court must establish exclusion zones and include safety planning and informed consent for the petitioner. The respondent is responsible for paying for the electronic monitoring services as provided in s. 948.09(2).

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(b) The court shall order the respondent to electronic monitoring supervision in any situation under s. 741.281(2).

Section 14. Subsection (1) of section 960.198, Florida Statutes, is amended to read:

960.198 Relocation assistance for victims of domestic violence.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award a one-time payment of up to \$5,000 ~~\$1,500~~ on any one claim and a lifetime maximum of \$10,000 ~~\$3,000~~ to a victim of domestic violence who needs immediate assistance to escape from a domestic violence environment.

Section 15. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

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

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

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12)

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community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s. 948.06:

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

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

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

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

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

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the

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offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

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

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

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Sentencing multipliers:

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

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

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

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Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Fleeing or attempting to elude a law enforcement officer: If the primary offense is fleeing or attempting to elude a law enforcement officer or aggravated fleeing or eluding in violation of s. 316.1935, and in the offender's prior record, there is one or more violation of s. 316.1935, the subtotal sentence points are multiplied by 1.5.

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

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

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1219 points are multiplied by 1.5.

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1221 Adult-on-minor sex offense: If the offender was 18 years of age
 1222 or older and the victim was younger than 18 years of age at the
 1223 time the offender committed the primary offense, and if the
 1224 primary offense was an offense committed on or after October 1,
 1225 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
 1226 violation involved a victim who was a minor and, in the course
 1227 of committing that violation, the defendant committed a sexual
 1228 battery under chapter 794 or a lewd act under s. 800.04 or s.
 1229 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
 1230 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 1231 800.04; or s. 847.0135(5), the subtotal sentence points are
 1232 multiplied by 2.0. If applying the multiplier results in the
 1233 lowest permissible sentence exceeding the statutory maximum
 1234 sentence for the primary offense under chapter 775, the court
 1235 may not apply the multiplier and must sentence the defendant to
 1236 the statutory maximum sentence.

1237 Section 16. Paragraph (f) of subsection (2) of section
 1238 943.0584, Florida Statutes, is amended to read:

1239 943.0584 Criminal history records ineligible for court-
 1240 ordered expunction or court-ordered sealing.-

1241 (2) A criminal history record is ineligible for a
 1242 certificate of eligibility for expunction or a court-ordered
 1243 expunction pursuant to s. 943.0585 or a certificate of
 1244 eligibility for sealing or a court-ordered sealing pursuant to
 1245 s. 943.059 if the record is a conviction for any of the
 1246 following offenses:

1247 (f) Assault or battery, as defined in ss. 784.011 and

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

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1248 784.03, respectively, of one family or household member by
 1249 another family or household member, as defined in s. 741.28 ~~s.~~
 1250 ~~741.28(3)~~;

1251 Section 17. Paragraph (b) of subsection (2) of section
 1252 943.171, Florida Statutes, is amended to read:

1253 943.171 Basic skills training in handling domestic violence
 1254 cases.-

1255 (2) As used in this section, the term:

1256 (b) "Household member" has the meaning set forth in s.
 1257 741.28 ~~s. 741.28(3)~~.

1258 Section 18. This act shall take effect July 1, 2026.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 810

INTRODUCER: Senator Simon

SUBJECT: Sealing of Criminal History Records

DATE: January 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			RC	

I. Summary:

SB 810 amends s. 943.059, F.S., to expand eligibility for court-order sealing of criminal history records. The bill adds the following eligibility criteria:

- The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;
- The petition to seal pertains to a misdemeanor offense that the person was adjudicated guilty of and such offense was not a violent offense or relating to specified offenses;
- The person has never secured a prior sealing or expunction of a criminal history which is related to an offense for which the person was adjudicated guilty.

The bill permits multiple court ordered sealings for withholds of adjudication. However, the court may only order the sealing of a criminal history record pertaining to more than one adjudication of guilt if the additional adjudications directly relate to the original arrest, original criminal activity, or original adjudication of guilt. Such additional adjudications must be specified in the order to seal.

The bill provides waiting periods to allow for a subsequent sealing of a criminal history record in the following manner:

- A person has previously secured the sealing of record relating to an offense for which an adjudication of guilt was withheld and the person seeks to seal a subsequent record relating to an offense for which adjudication was withheld, the court may grant the petition if the petitioner has maintained a conviction-free record for three years following the adjudication of the offense to which the petition to seal pertains.
- A person may seek to seal a criminal history record for an offense for which he or she was adjudicated guilty and the court may grant such petition if the petitioner has maintained a conviction-free record for five years following the adjudication of guilt.

The bill may have an indeterminate fiscal impact on the Florida Department of Law Enforcement (FDLE). See *Section V. Fiscal Impact Statement*.

The bill takes effect on July 1, 2026.

II. Present Situation:

Court-ordered Sealing of Criminal History Records

“Sealing of a criminal history record” means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein.¹ This process differs from an “expunction of a criminal history record”² which means the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the Florida Department of Law Enforcement (FDLE) must be retained in all cases for the purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for the purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction.

Eligibility

A person is eligible to petition a court to seal a criminal history record³ when:

- The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty⁴ in this state of a criminal offense, or been adjudicated delinquent in this state for committing any felony or any of the specified misdemeanor offenses,⁵ unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515, F.S.⁶
- The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;⁷

¹ Section 943.045(19), F.S.

² Section 943.045(16), F.S.

³ “Criminal history record” means any nonjudicial record maintained by a criminal justice agency containing criminal history information. Section 943.045(6), F.S.

⁴ “Adjudicated guilty” means that a person has been found guilty and that the court has not withheld an adjudication of guilt. Section 943.045(1), F.S.

⁵ Assault; Battery; Assault on a law enforcement officer, firefighter, or other specified officer; carrying a concealed weapon; open carrying of a weapon; Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property; Unlawful use of destructive devices or bombs; Unlawful possession of a firearm by a minor; Exposure of sexual organs; Arson; Petit theft; Neglect of a child; Cruelty to animals. Section 943.059(1)(b)1.-13., F.S.

⁶ Section 943.059(1)(b)1.-13., F.S.

⁷ Section 943.059(1)(c), F.S.

- The person is no longer under court supervision applicable to the disposition⁸ of arrest or alleged criminal activity to which the petition to seal pertains;⁹
- The person has never secured a prior sealing or expunction of a criminal history record under s. 943.059, F.S., s. 943.0585, F.S.,¹⁰ former s. 893.14, F.S.,¹¹ former s. 901.33, F.S.,¹² or former s. 943.058, F.S.¹³
- The criminal history record is not ineligible for court-ordered sealing under s. 943.0584, F.S.¹⁴

Section 943.0584, F.S., provides that a criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction or a certificate of eligibility for sealing or a court-ordered sealing if the record is for a conviction of the following offenses:

- Sexual misconduct;
- Illegal use of explosives;
- Terrorism;
- Murder;
- Manslaughter or homicide;
- Assault or battery of one family or household member by another family or household member;
- Aggravated assault;
- Felony battery, domestic battery by strangulation, or aggravated battery;
- Stalking or aggravated stalking;
- Luring or enticing a child;
- Human trafficking;
- Kidnapping or false imprisonment;
- Any offense defined in ch. 794, F.S., relating to sexual battery;
- Procuring a person less than 18 years of age for prostitution;
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
- Arson;
- Burglary of a dwelling;
- Voyeurism or digital voyeurism;
- Robbery or robbery by sudden snatching;
- Carjacking;
- Home invasion robbery;

⁸ “Disposition” means details relating to the termination of an individual criminal defendant’s relationship with a criminal justice agency, including information disclosing that the law enforcement agency has elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, that a court has dealt with the individual, or that the individual has been incarcerated, paroled, pardoned, released, or granted clemency. Dispositions include, but are not limited to, acquittals, dismissals, pleas, convictions, adjudications, youthful offender determinations, determinations of mental capacity, placements in intervention programs, pardons, probations, paroles, and releases from correctional institutions. Section 943.045(14), F.S.

⁹ Section 943.059(1)(d), F.S.

¹⁰ Section 943.0585, F.S., relates to court-ordered expunction of criminal history records.

¹¹ Former s. 893.14, F.S., related to conditional discharge and expunction of records for first time offense drug possession.

¹² Former s. 901.33, F.S., related to expunction before being largely replaced by s. 943.0585, F.S.

¹³ Section 943.058, F.S., related to expunction or sealing of criminal history records.

¹⁴ Section 943.059(1)(a), F.S.

- A violation of the Florida Communications Fraud Act;
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
- Child abuse or aggravated child abuse;
- Sexual performance by a child;
- Any offense defined in ch. 839, F.S., relating to offenses by public officers and employees;
- Certain acts in connection with obscenity;
- Any offense defined in s. 847.0135, F.S., relating to offenses of child pornography, prohibited computer usage, and traveling to meet a minor;
- Selling or buying of minors;
- Aircraft piracy;
- Manufacturing controlled substance;
- Drug trafficking; or
- Any violation specified as a predicate offense for registration as a sexual predator or sexual offender, without regard to whether that offense alone is sufficient to require such registration.

Petition

Before petitioning the court to seal, a person seeking to seal a criminal history record must apply to the FDLE for a certificate of eligibility for sealing. The FDLE issues the certificate of eligibility to a person if such person is eligible, has submitted a certified copy of the disposition of charge to which the petition pertains, and submits a \$75 processing fee.¹⁵ A certificate of eligibility for sealing is valid for 12 months after the date stamped, after which a person must reapply.¹⁶

Each petition must be accompanied by:¹⁷

- A certificate of eligibility issued by the FDLE;
- The petitioner's sworn statement that the petitioner satisfies the eligibility requirements for sealing and is eligible for sealing to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a third degree felony.¹⁸

Processing a Petition or Order

A copy of the petition must be served to the appropriate state attorney and the arresting agency. If relief is granted by the court, the clerk sends certified copies of the order to the state attorney and arresting agency. The FDLE must forward the order to seal to the Federal Bureau of Investigation.¹⁹

¹⁵ Section 943.059(2)(a), F.S.

¹⁶ Section 943.059(2)(b), F.S.

¹⁷ Section 943.059(3), F.S.

¹⁸ 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, 775.083, or 775.084 F.S.

¹⁹ Section 943.059(5), F.S.

The criminal history record of a minor or an adult which is ordered sealed, is confidential and exempt, and is available only to the following persons:²⁰

- The subject of the record;
- The subject's attorney;
- Criminal justice agencies²¹ for their respective criminal justice purposes; which include conducting a criminal history background check for approval of firearm purchases or transfers as authorized by state or federal law;
- Judges in the state courts system for the purpose of assisting them in their case-related decision-making responsibilities, as set forth in s. 943.053(5), F.S.;²² or
- To certain entities for their respective licensing access authorization and employment purposes.

Information relating to the existence of a sealed criminal history record is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. An employee of an entity may not disclose information relating to a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the subject or to persons having direct responsibility for employment, authorization, or licensure decisions. A person who unlawfully discloses such information commits a first degree misdemeanor.^{23,24}

The subject of the criminal history record seal may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject:²⁵

- Is a candidate for employment with a criminal justice agency;
- Is a defendant in a criminal prosecution;
- Concurrently or subsequently petitions for relief under this section;
- Is a candidate for admission to The Florida Bar;
- Is seeking to be employed or licensed by or contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile

²⁰ Section 943.059(6)(a), F.S.

²¹ "Criminal justice agency" means a court; the department (FDLE); the Department of Juvenile Justice; the protective investigations component of the Department of Children and Families, which investigates the crimes of abuse and neglect; any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of the court and that allocates a substantial part of its annual budget to the administration of criminal justice. Section 943.045(11), F.S.

²² Pursuant to s. 943.053(5), F.S., notwithstanding the specified provisions, the department shall make online access to Florida criminal justice information available to each judge in the state courts system for the purpose of assisting judges in their case-related decision-making responsibilities. Such online access shall be provided without charge to the state courts system. Sealed records received by the courts under this section remain confidential and exempt from s. 119.07(1), F.S. The information provided pursuant to this section shall not take the place of any information required to be provided to the courts by any other agency or entity. Information provided under this section shall be used only for the official court business for which it was requested and may not be further disseminated.

²³ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

²⁴ Section 943.059(6)(d), F.S.

²⁵ Section 943.059(6)(b), F.S.

Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

- Is seeking to be employed, licensed by, or contract with the Department of Education, a school district, a special school district, a charter school, a home operation, an alternative school, a private school, or a local governmental entity that licenses child care facilities;
- Is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check under state or federal law;
- Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services;
- Is seeking to be appointed as a guardian;
- Is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm.

Subject to the aforementioned exceptions, a person who has been granted a sealing may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge a sealed criminal history record.²⁶

Automatic Sealing of Criminal History Records

The automatic sealing of a criminal history record differs from a petition to seal a criminal history record in that it does not require a petition and does not require sealing by other criminal justice agencies which must continue to be maintained by the FDLE.

The FDLE must automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony²⁷ or for a specified offense which results in a defendant being required to register as a sexual offender²⁸ if:²⁹

- An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
- An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction as to all counts. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to ss. 916.145, or 985.19, F.S.
- A not guilty verdict was rendered by a judge or jury as to all counts. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.
- A judgement of acquittal was rendered by a judge as to all counts.

²⁶ Section 943.059(6)(c), F.S.

²⁷ Pursuant to s. 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 of threat of physical force or violence against any individual.

²⁸ Section 943.0435(1)(h)1.a.(I), F.S.

²⁹ Section 943.0595(2), F.S.

There is no limitation on the number of times a person may obtain an automatic sealing for criminal history record.³⁰

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.³¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.³²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.³⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Records sealed under s. 943.059, F.S., are considered confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution and is only available to specified persons or entities.

III. Effect of Proposed Changes:

The bill amends s. 943.059, F.S., to expand eligibility for court-order sealing of criminal history records. The bill adds the following eligibility criteria:

- The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains;
- The person has never secured a prior sealing or expunction of a criminal history which is related to an offense for which the person was adjudicated guilty;
- The petition to seal pertains to a misdemeanor offense that the person was adjudicated guilty of and such offense was not a violent offense or a misdemeanor offense relating to:
 - Domestic violence;³⁵
 - Driving under the influence;³⁶
 - Violation of an injunction for protection against domestic violence;³⁷
 - Violation of pretrial release when the arrest was for an act of dating violence;³⁸

³⁰ Section 943.0595(2)(b), F.S.

³¹ FLA. CONST. art. I, s. 24(a).

³² *Id.*

³³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

³⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

³⁵ Sections 741.28 and 741.29, F.S.

³⁶ Section 316.193, F.S.

³⁷ Section 741.31, F.S.

³⁸ Section 741.046, F.S.

- Violation of an injunction for protection for repeat violence, sexual violence, or dating violence;³⁹
- Violation of an injunction for protection against stalking or cyberstalking;⁴⁰
- Sexual cyberharassment;⁴¹
- An unnatural and lascivious act;⁴²
- Exposure of sexual organs;⁴³

The bill permits multiple court ordered sealings for withholds of adjudication. However, the court may only order the sealing of a criminal history record pertaining to more than one adjudication of guilt if the additional adjudications directly relate to the original arrest, original criminal activity, or original adjudication of guilt. Such additional adjudications must be specified in the order to seal.

The bill provides waiting periods to allow for a subsequent sealing of a criminal history record in the following manner:

- A person has previously secured the sealing of record relating to an offense for which an adjudication of guilt was withheld and the person seeks to seal a subsequent record relating to an offense for which adjudication was withheld, the court may grant the petition if the petitioner has maintained a conviction-free record for three years following the adjudication of the offense to which the petition to seal pertains.
- A person may seek to seal a criminal history record for an offense for which he or she was adjudicated guilty and the court may grant such petition if the petitioner has maintained a conviction-free record for five years following the adjudication of guilt.

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.

³⁹ Section 784.047, F.S.

⁴⁰ Section 784.0487, F.S.

⁴¹ Section 784.049, F.S.

⁴² Section 800.02, F.S.

⁴³ Section 800.03, F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Similar legislation was proposed in SB 1000 in the 2025 Legislative Session. At that time, the FDLE indicated the bill will require changes to the seal and expunge workflow.

“This will require changes to existing systems. Estimated IT work will take four weeks to complete and total \$42,000. This will be accomplished utilizing a vender who is currently contracted with FDLE.”⁴⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.059 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.

⁴⁴ Florida Department of Law Enforcement, *Agency Bill Analysis for SB 1000 (2025)*, (on file with the Senate Committee on Criminal Justice).

B. Amendments:

None.

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



632872

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory and title amendments)

Delete lines 176 - 194.

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

And the directory clause is amended as follows:

Delete line 37

and insert:

Statutes, are amended,



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

12 And the title is amended as follows:

13 Delete lines 24 - 31

14 and insert:

15 or adjudication of guilt; providing an effective date.

By Senator Simon

3-01483-26

2026810__

1 A bill to be entitled
 2 An act relating to the sealing of criminal history
 3 records; reenacting and amending s. 943.059, F.S.;
 4 providing that persons adjudicated guilty of certain
 5 misdemeanor offenses are eligible to petition a court
 6 to seal the criminal history record of such offenses;
 7 providing that persons previously adjudicated guilty
 8 of certain misdemeanor offenses are eligible to
 9 petition a court to seal a subsequent criminal history
 10 record; revising certain eligibility criteria to
 11 provide that a person is eligible to petition the
 12 court to seal a criminal history record if such person
 13 is no longer serving the sentence to which the
 14 petition to seal pertains; revising certain
 15 eligibility criteria to provide that a person is
 16 eligible to petition the court to seal a criminal
 17 history record if such person has never secured a
 18 prior sealing or expunction related to an offense for
 19 which the person was adjudicated guilty; authorizing a
 20 court to order the sealing of a criminal history
 21 record pertaining to more than one adjudication of
 22 guilt if the additional adjudications directly relate
 23 to the original arrest, incident of criminal activity,
 24 or adjudication of guilt; providing requirements for
 25 certain persons who seek the sealing of a criminal
 26 history record relating to an offense for which
 27 adjudication was withheld; providing requirements for
 28 certain persons who seek the sealing of a criminal
 29 history record relating to an offense for which the

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30 person was adjudicated guilty; defining the term
 31 "conviction"; providing an effective date.
 32

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

34
 35 Section 1. Subsection (1), paragraph (c) of subsection (4),
 36 and paragraph (b) of subsection (6) of section 943.059, Florida
 37 Statutes, are amended, subsection (7) is added to that section,
 38 and paragraph (a) of subsection (2) of that section is
 39 reenacted, to read:

40 943.059 Court-ordered sealing of criminal history records.—

41 (1) ELIGIBILITY.—A person is eligible to petition a court
 42 to seal a criminal history record when:

43 (a) The criminal history record is not ineligible for
 44 court-ordered sealing under s. 943.0584.

45 (b)1. The person has not been adjudicated guilty of, or
 46 adjudicated delinquent for committing, any of the acts stemming
 47 from the arrest or alleged criminal activity to which the
 48 petition to seal pertains; or

49 2. The petition to seal pertains to a misdemeanor offense
 50 that the person was adjudicated guilty of and such misdemeanor
 51 offense was not a violent offense; a misdemeanor offense of
 52 domestic violence, as defined in s. 741.28; or a misdemeanor
 53 violation of s. 316.193, s. 741.29, s. 741.31, s. 784.046, s.
 54 784.047, s. 784.048, s. 784.0487, s. 784.049, s. 800.02, or s.
 55 800.03.

56 (c)(b) The person has never, before the date the
 57 application for a certificate of eligibility is filed, been
 58 adjudicated guilty in this state of a criminal offense other

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than an offense eligible for sealing under subparagraph (b)2., or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanor offenses, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(2);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);
8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(1).

~~(e) The person has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to seal pertains.~~

(d) The person is no longer serving the sentence or under court supervision applicable to any the disposition of arrest or

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alleged criminal activity to which the petition to seal pertains.

(e) The person has never secured a prior sealing or expunction of a criminal history record under this section, s. 943.0585, former s. 893.14, former s. 901.33, or former s. 943.058 which is related to an offense for which the person was adjudicated guilty.

(2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the court to seal a criminal history record, a person seeking to seal a criminal history record must apply to the department for a certificate of eligibility for sealing. The department shall adopt rules relating to the application for and issuance of certificates of eligibility for sealing.

(a) The department shall issue a certificate of eligibility for sealing to a person who is the subject of a criminal history record if that person:

1. Satisfies the eligibility criteria in paragraphs (1)(a)-(e) and is not ineligible for court-ordered sealing under s. 943.0584.

2. Has submitted to the department a certified copy of the disposition of charge to which the petition pertains.

3. Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless the executive director waives such fee.

(4) COURT AUTHORITY.—

(c) The court may order the sealing of a criminal history record pertaining to one adjudication of guilt ~~arrest or one incident of alleged criminal activity~~ only, except the court may order the sealing of a criminal history record pertaining to

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more than one adjudication of guilt ~~arrest~~ if the additional
adjudications of guilt ~~arrests~~ directly relate to the original
 arrest, original incident of criminal activity, or original
adjudication of guilt. If the court intends to order the sealing
 of records pertaining to such additional adjudications of guilt
~~arrests~~, such intent must be specified in the order. A criminal
 justice agency may not seal any record pertaining to such
 additional adjudications of guilt ~~arrests~~ if the order to seal
 does not articulate the intention of the court to seal a record
 pertaining to more than one adjudication of guilt ~~arrest~~. This
 section does not prevent the court from ordering the sealing of
 only a portion of a criminal history record ~~pertaining to one~~
~~arrest or one incident of alleged criminal activity~~.

(6) EFFECT OF ORDER.—

(b) The subject of the criminal history record sealed under
 this section or under other provisions of law, including former
 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to
 acknowledge the arrests or adjudications of guilt covered by the
 sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice
 agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under
 this section, s. 943.0583, or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract
 with the Department of Children and Families, the Division of
 Vocational Rehabilitation within the Department of Education,
 the Agency for Health Care Administration, the Agency for

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Persons with Disabilities, the Department of Health, the
 Department of Elderly Affairs, or the Department of Juvenile
 Justice or to be employed or used by such contractor or licensee
 in a sensitive position having direct contact with children, the
 disabled, or the elderly;

6.a. Is seeking to be employed or licensed by, or contract
 with, the Department of Education, a district unit under s.
 1001.30, a special district unit under s. 1011.24, the Florida
 School for the Deaf and the Blind under s. 1002.36, the Florida
 Virtual School under s. 1002.37, a virtual instruction program
 under s. 1002.45, a charter school under s. 1002.33, a hope
 operator under s. 1002.333, an alternative school under s.
 1008.341, a private or parochial school, or a local governmental
 entity that licenses child care facilities;

b. Is seeking to be employed or used by a contractor or
 licensee under sub-subparagraph a.; or

c. Is a person screened under s. 1012.467;

7. Is attempting to purchase a firearm from a licensed
 importer, licensed manufacturer, or licensed dealer and is
 subject to a criminal history check under state or federal law;

8. Is seeking to be licensed by the Division of Insurance
 Agent and Agency Services within the Department of Financial
 Services;

9. Is seeking to be appointed as a guardian pursuant to s.
 744.3125; or

10. Is seeking to be licensed by the Bureau of License
 Issuance of the Division of Licensing within the Department of
 Agriculture and Consumer Services to carry a concealed weapon or
 concealed firearm. This subparagraph applies only in the

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determination of an applicant's eligibility under s. 790.06.

(7) WAITING PERIODS.—

(a) If a person has previously secured the sealing of a criminal history record relating to an offense for which an adjudication of guilt was withheld and the person seeks to seal a subsequent criminal history record relating to an offense for which an adjudication of guilt was withheld, the court may grant the petition to seal the subsequent criminal history record if the petitioner has maintained a conviction-free record in the 3 years after the date on which the court withheld an adjudication of guilt for the offense to which the subsequent petition to seal pertains.

(b) If the petitioner seeks to seal a criminal history record for an offense for which he or she was adjudicated guilty, the court may grant such petition if the petitioner has maintained a conviction-free record in the 5 years after the date on which the court adjudicated the person guilty.

For purposes of this subsection, the term "conviction" has the same meaning as in s. 943.0584(1).

Section 2. This act shall take effect July 1, 2026.

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 812

INTRODUCER: Senator Simon

SUBJECT: Public Records/Sealed Criminal History Records

DATE: January 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	Pre-meeting
2. _____	_____	ACJ	_____
3. _____	_____	RC	_____

I. Summary:

SB 812 amends s. 943.059, F.S., to expand a public records exemption to include sealed criminal history records of persons adjudicated guilty of certain nonviolent misdemeanor offenses. A criminal history record of a minor or an adult which is ordered sealed by a court pursuant to s. 943.059, F.S., is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution and is available only to specified persons.

The exemption is repealed October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution, and because it expands the public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on the same day as SB 810 or any similar legislation. As filed, SB 810 takes effect on July 1, 2026.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.^{5,6}

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains exempt or confidential. Any person who violates such prohibitions commits a third degree felony.^{7,8}

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁹ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁰ public records or open meetings exemptions, with specified exceptions.¹¹ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹² In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹³

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.10(2)(a), F.S.

⁶ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁷ Section 119.10(2)(b), F.S.

⁸ 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, 775.083, and 775.084, F.S.

⁹ Section 119.15, F.S.

¹⁰ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹¹ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁴
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁶

The Act also requires specified questions to be considered during the review process.¹⁷ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.¹⁸ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.¹⁹

Court-ordered Sealing of Criminal History Records

“Sealing of a criminal history record” means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein.²⁰ This process differs from an “expunction of a criminal history record,”²¹ which means the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the Florida Department of Law Enforcement (FDLE) must be retained in all cases for the purposes of evaluating subsequent requests by the subject of the record for sealing or

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

¹⁷ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹⁸ See generally s. 119.15, F.S.

¹⁹ Section 119.15(7), F.S.

²⁰ Section 943.045(19), F.S.

²¹ Section 943.045(16), F.S.

expunction, or for the purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction.

The criminal history record of a minor or an adult which is ordered sealed by a court is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution and is only available to the following persons:²²

- The subject of the record;
- The subject's attorney;
- Criminal justice agencies for their respective criminal justice purposes, which include conducting a criminal history background check for approval of firearms purchases or transfers as authorized by state or federal law;
- Judges in the state courts system for the purpose of assisting them in their case-related decision making responsibilities; or,
- To certain entities for their respective licensing access authorization and employment purposes.

Information relating to the existence of a sealed criminal history record is confidential and exempt except that the department must disclose the sealed criminal history record to certain entities. It is a first degree misdemeanor to disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except the disclosure to the person the criminal history record relates to or to persons having direct responsibility for employment, access authorization, or licensure decisions.²³

The subject of the sealed criminal history record may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject:²⁴

- Is a candidate for employment with a criminal justice agency;
- Is a defendant in a criminal prosecution;
- Concurrently or subsequently petitions for relief under this section;
- Is a candidate for admission to The Florida Bar;
- Is seeking to be employed or licensed by or contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
- Is seeking to be employed or licensed by, or contract with, the Department of Education, a district unit, special district unit, virtual instruction program, charter or private school, alternative school, or a local governmental entity that licenses child care facilities;
- Is attempting to purchase a firearm from a licenses importer, licensed manufacturer, or licensed dealer and is subject to a criminal history check under state or federal law;
- Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services;

²² Section 943.059(6)(a), F.S.

²³ Section 943.059(6)(d), F.S.

²⁴ Section 943.059(6)(b), F.S.

- Is seeking to be appointed as a guardian pursuant to s. 744.3125, F.S.; or
- Is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm.

III. Effect of Proposed Changes:

The bill amends s. 943.059, F.S., to expand a public records exemption to include sealed criminal history records of persons adjudicated guilty of certain nonviolent misdemeanor offenses. A criminal history record of a minor or an adult which is ordered sealed by a court pursuant to s. 943.059, F.S., is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

SB 810 provides a person is eligible to petition a court to seal a criminal history record if a petition to seal pertains to a misdemeanor offense that the person was adjudicated guilty of and such offense was not a violent offense or a misdemeanor offense relating to:

- Domestic violence;²⁵
- Driving under the influence;²⁶
- Violation of an injunction for protection against domestic violence;²⁷
- Violation of pretrial release when the arrest was for an act of dating violence;²⁸
- Violation of an injunction for protection for repeat violence, sexual violence, or dating violence;²⁹
- Violation of an injunction for protection against stalking or cyberstalking;³⁰
- Sexual cyberharassment;³¹
- An unnatural and lascivious act;³²
- Exposure of sexual organs;³³

The exemption is repealed October 2, 2031, unless reenacted by the Legislature.

The bill provides it is a public necessity that sealed criminal history records for persons adjudicated guilty of certain nonviolent misdemeanor offenses be made confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, and made available only in accordance with s. 943.059(6), F.S. Sealed criminal history records that remain accessible may create barriers to obtaining work, housing, or other resources necessary to be a productive member of society. The Legislature finds increasing opportunities for persons to seal a criminal history record promotes economic stability, reduces crime and recidivism, and makes communities safer.

²⁵ Sections 741.28 and 741.29, F.S.

²⁶ Section 316.193, F.S.

²⁷ Section 741.31, F.S.

²⁸ Section 741.046, F.S.

²⁹ Section 784.047, F.S.

³⁰ Section 784.0487, F.S.

³¹ Section 784.049, F.S.

³² Section 800.02, F.S.

³³ Section 800.03, F.S.

The bill takes effect on the same day as SB 810 or any similar legislation. As filed, SB 810 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:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption to criminal history records with misdemeanors adjudicated guilty, therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to seal criminal records pertaining to misdemeanors adjudicated with guilt, and the bill exempts only such records from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

While the bill provides a public necessity statement for subparagraph (1)(b)2., it does not include subparagraph (1)(b)1. Under subparagraph (1)(b)1., a person may receive a sealing for more than one withhold of adjudication. This expands the number of sealings a person may receive.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.059 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.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory and title amendments)

Delete lines 31 - 70

and insert:

4. A state attorney for the purpose of prosecuting any subsequent cases.

5. Judges in the state courts system for the purpose of assisting them in their case-related decisionmaking responsibilities, as set forth in s. 943.053(5); or

~~6.5.~~ To those entities set forth in subparagraphs (b)1.,



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4.-6., and 8.-10. for their respective licensing access authorization and employment purposes.

(d) Information relating to the existence of a sealed criminal history record provided in accordance with paragraph (b) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (b)1., 4.-6., and 8.-10. for their respective licensing, access authorization, and employment purposes. An employee of an entity set forth in subparagraph (b)1., subparagraph (b)4., subparagraph (b)5., subparagraph (b)6., subparagraph (b)8., subparagraph (b)9., or subparagraph (b)10. may not disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The expansion of the public records exemption under this subsection to include criminal history records described in paragraph (1)(b) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and that paragraph shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. If the expansion of the exemption is not saved from repeal, paragraph (1)(b) reverts to that in existence on June 30, 2026, except that any



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amendments to such text enacted other than by SB 810, 2026
Regular Session, are preserved and continue to operate to the
extent that such amendments are not dependent upon the portions
of text which expire pursuant to this paragraph. This paragraph
expires October 31, 2031.

Section 2. The Division of Law Revision is directed to
replace the phrase "SB 810, 2026 Regular Session" wherever it
occurs in this act with the assigned chapter number of that act.

Section 3. The Legislature finds that it is a public
necessity that a criminal history record described in s.
943.059(1)(b), Florida Statutes, which is sealed be made

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

And the directory clause is amended as follows:

Delete lines 16 - 17

and insert:

section 943.059, Florida Statutes, paragraph (a) of that
subsection is reenacted and amended, and paragraph (d) of that
subsection is reenacted, to read:

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

And the title is amended as follows:

Delete lines 6 - 9

and insert:

certain acts or nonviolent misdemeanor offenses;
authorizing disclosure of criminal history records to
a state attorney for a specified purpose; providing
for future review and repeal of the expanded
exemption; providing for reversion to specified



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69 statutory text if the exemption is not saved from
70 repeal; providing for expiration; providing a
71 directive to the Division of Law Revision; providing a

By Senator Simon

3-01481-26

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1 A bill to be entitled
 2 An act relating to public records; reenacting and
 3 amending s. 943.059, F.S.; expanding an existing
 4 public records exemption to include sealed criminal
 5 history records of persons adjudicated guilty of
 6 certain nonviolent misdemeanor offenses; providing for
 7 future review and repeal of the expanded exemption;
 8 providing for reversion of specified statutory text if
 9 the exemption is not saved from repeal; providing a
 10 statement of public necessity; providing a contingent
 11 effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Paragraph (e) is added to subsection (6) of
 16 section 943.059, Florida Statutes, and paragraphs (a) and (d) of
 17 that subsection are reenacted, to read:
 18 943.059 Court-ordered sealing of criminal history records.—
 19 (6) EFFECT OF ORDER.—
 20 (a) A criminal history record of a minor or an adult which
 21 is ordered sealed by a court pursuant to this section is
 22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 23 of the State Constitution and is available only to the following
 24 persons:
 25 1. The subject of the record;
 26 2. The subject's attorney;
 27 3. Criminal justice agencies for their respective criminal
 28 justice purposes, which include conducting a criminal history
 29 background check for approval of firearms purchases or transfers

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30 as authorized by state or federal law;
 31 4. Judges in the state courts system for the purpose of
 32 assisting them in their case-related decisionmaking
 33 responsibilities, as set forth in s. 943.053(5); or
 34 5. To those entities set forth in subparagraphs (b)1., 4.-
 35 6., and 8.-10. for their respective licensing access
 36 authorization and employment purposes.
 37 (d) Information relating to the existence of a sealed
 38 criminal history record provided in accordance with paragraph
 39 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),
 40 Art. I of the State Constitution, except that the department
 41 shall disclose the sealed criminal history record to the
 42 entities set forth in subparagraphs (b)1., 4.-6., and 8.-10. for
 43 their respective licensing, access authorization, and employment
 44 purposes. An employee of an entity set forth in subparagraph
 45 (b)1., subparagraph (b)4., subparagraph (b)5., subparagraph
 46 (b)6., subparagraph (b)8., subparagraph (b)9., or subparagraph
 47 (b)10. may not disclose information relating to the existence of
 48 a sealed criminal history record of a person seeking employment,
 49 access authorization, or licensure with such entity or
 50 contractor, except to the person to whom the criminal history
 51 record relates or to persons having direct responsibility for
 52 employment, access authorization, or licensure decisions. A
 53 person who violates this paragraph commits a misdemeanor of the
 54 first degree, punishable as provided in s. 775.082 or s.
 55 775.083.
 56 (e) The expansion of the public records exemption under
 57 this subsection to include criminal history records described in
 58 subparagraph (1)(b)2. is subject to the Open Government Sunset

Page 2 of 4

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

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Review Act in accordance with s. 119.15 and that subparagraph shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. If the expansion of the exemption is not saved from repeal, this subsection shall revert to that in existence on June 30, 2026, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this paragraph.

Section 2. The Legislature finds that it is a public necessity that a criminal history record described in s. 943.059(1)(b)2., Florida Statutes, which is sealed be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, and be made available only in accordance with s. 943.059(6), Florida Statutes. If a sealed criminal history record remains accessible to potential employers, landlords, and other members of the public, the person who obtained the sealing of the record faces barriers to obtaining work, housing, or other resources necessary to be a productive member of society. Increasing opportunities for persons to seal a criminal history record promotes economic stability, reduces crime and recidivism, and makes communities safer. For these reasons, the Legislature finds that it is a public necessity that the criminal history record of persons adjudicated guilty of certain nonviolent misdemeanor offenses be confidential and exempt from public records requirements.

Section 3. This act shall take effect on the same date that SB 810 or similar legislation takes effect, if such legislation

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is adopted in the same legislative session or an extension thereof and becomes a law.

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 890

INTRODUCER: Senator Martin

SUBJECT: Battery by Strangulation

DATE: January 16, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Pre-meeting
2. _____	_____	ACJ	_____
3. _____	_____	FP	_____

I. Summary:

SB 890 amends s. 784.041, F.S., to revise definition of domestic battery by strangulation by removing references to “family or household member” and “dating relationship.” The bill creates a new, separate offense of battery by strangulation, applicable regardless of relationship status. Definitions for “family or household member” and “dating relationship,” are also removed.

The bill also removes an element from the crime. The state will not have to prove that the battery by strangulation created or caused the risk of bodily harm.

The bill amends s. 921.0022 and 943.0584, F.S., to update the Criminal Punishment Code offense severity ranking chart and revise the list of crimes ineligible for expunction or sealing to reflect the changes in s. 784.041, F.S.

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

The bill takes effect July 1, 2026.

II. Present Situation:

Section 784.031, F.S., (effective October 1, 2024) created a new offense for battery by strangulation against another person, which is a Level 4, third degree felony under the Criminal Punishment Code. Previously, Florida statutes did not specifically prohibit battery by strangulation except in domestic situations.

Research shows that strangulation is a common tactic of violence used in domestic abuse situations and is considered a gendered crime with victims overwhelmingly female and offenders

male.¹ Recent research has highlighted how common the use of strangulation is in abusive relationships, often emerging late in the progression of a violent relationship and occurring multiple times over the course of the relationship.² Awareness of the gravity of strangulation has resulted in many states across the United States, including Florida, passing specialized laws making non-fatal strangulation a separate criminal felony.³ It is reported that shelter women on average experience 5.3 strangulation attacks during the course of an abusive relationship.⁴

Battery by Strangulation

A person commits domestic battery by strangulation if they knowingly and intentionally, against another person's will, cause or create a risk of great bodily harm, by impeding the normal breathing or blood circulation of a *family or household member*⁵ or of a person with whom he or she is in a dating relationship⁶ by applying pressure on the throat or neck of the other person, or by blocking the nose or mouth of the other person.⁷ There is an exception for any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.⁸ A person who commits domestic battery by strangulation commits a third degree felony.⁹ This crime is listed as a level 6 in the offense severity ranking chart.

Battery by strangulation without domestic violence is when a person commits battery by strangulation if he or she knowingly and intentionally, against the will of another person, impedes the normal breathing or circulation of the blood of that person so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. This does not apply to any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state. A person who commits a battery by strangulation commits a third degree felony.¹⁰

¹ Thomas, K.A., Joshi, M. and Sorenson, S.B. (2014), "'Do you know what it feels like to drown?' Strangulation as coercive control in intimate relationships," *Psychology of Women Quarterly*, Vol. 38 No. 1, pp. 124-137.

² Wilbur, L., Higley, M., Hatfield, J., Surprenant, Z., Taliaferro, E., Smith, D.J. Jr and Paolo, A. (2001), "Survey results of women who have been strangled while in an abusive relationship," *The Journal of Emergency Medicine*, Vol. 21 No. 3, pp. 297-302.

³ Pritchard, A.J., Reckdenwald, A., Nordham, C. and Holton, J. (2018), "Improving identification of strangulation injuries in domestic violence: Pilot data from a researcher-practitioner collaboration," *Feminist Criminology*, Vol. 13 No. 2, pp. 160-181.

⁴ *Supra*, Note 2.

⁵ Section 784.041(2)(b)1., F.S., defines "family or household member" as having the same meaning as in s. 741.28, F.S. Section 741.28(3) defines "Family or household member" to mean spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

⁶ Section 784.041(2)(b)2., F.S., defines "dating relationship" as a continuing and significant relationship of a romantic or intimate nature.

⁷ *Supra*, Note 3.

⁸ Section 784.041(2)(a), F.S.

⁹ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

¹⁰ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

Battery, Felony Battery, and Aggravated Battery

A battery occurs when a person:

- Actually and intentionally touches or strikes another person against the other person's will; or
- Intentionally causes bodily harm to another person.¹¹

A person who commits a battery commits a first degree misdemeanor.¹²

A person who has one prior conviction for battery, aggravated battery, or felony battery and who commits any second or subsequent battery commits a third degree felony.^{13,14} A person who commits a battery in furtherance of a riot or an aggravated riot prohibited under s. 870.01, F.S., commits a third degree felony.¹⁵

Felony battery occurs when a person actually and intentionally touches or strikes another person against the will of the other and causes great bodily harm, permanent disability, or permanent disfigurement.¹⁶

A person commits the second degree felony¹⁷ of aggravated battery if:

- In committing battery, he or she intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement;¹⁸ or
- He or she uses a deadly weapon;¹⁹ or
- The victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.²⁰

For the purposes of sentencing under ch. 921, F.S., the crime of aggravated battery, if committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01, F.S., is ranked one level above the ranking under s. 921.0022, F.S., for the offense committed.²¹

¹¹ Section 784.03(1)(a)1. and 2., F.S.

¹² A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year, as provided in ss. 775.082 or 775.083, F.S.

¹³ Section 784.03(2), F.S.

¹⁴ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

¹⁵ Section 784.03(3), F.S.

¹⁶ Section 784.041(1)(a)-(b), F.S.

¹⁷ A second degree felony is punishable by a term of imprisonment not exceeding fifteen years, as provided in ss. 775.082, 775.083, or 775.084, F.S.

¹⁸ Section 784.045(1)(a)1., F.S.

¹⁹ Section 784.045(1)(a)2., F.S.

²⁰ Section 784.045(1)(b), F.S.

²¹ Section 784.045(3), F.S.

Criminal Punishment Code

Felony offenses which are subject to the Criminal Punishment Code²² are listed in a single offense severity ranking chart (OSRC),²³ which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{24,25} A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.^{26, 27} The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.²⁸

Sealing and Expunction of Criminal History Records

A criminal history record includes any non-judicial record maintained by a criminal justice agency²⁹ that contains criminal history information.³⁰ Criminal history information is information collected by criminal justice agencies and consists of identifiable descriptions of individuals and notations of arrests, detentions, indictments, informations, other formal criminal charges, and criminal dispositions.³¹

A person may have his or her criminal history record expunged under certain circumstances.³² When a record is expunged, the criminal justice agencies possessing such record must physically destroy or obliterate it. The Florida Department of Law Enforcement (FDLE) maintains a copy of the record to evaluate subsequent requests for sealing or expunction, and to recreate the record in the event a court vacates the order to expunge.³³ The criminal history record retained by the FDLE is confidential and exempt.³⁴ Once the record is expunged, a person may lawfully deny or fail to acknowledge the arrests covered by the expunged record, subject to exceptions.³⁵

²² All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. Section 921.002, F.S.

²³ Section 921.0022, F.S.

²⁴ Section 921.0022(2), F.S.

²⁵ Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. Section 921.0023, F.S.

²⁶ Sections 921.0022 and 921.0024, F.S.

²⁷ A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. Section 921.0024(1), F.S.

²⁸ If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. Section 921.0024(2), F.S.

²⁹ Section 943.045(11), F.S., provides that criminal justice agencies include a court, the Florida Department of Law Enforcement, the Department of Juvenile Justice, components of the Department of Children and Families, other governmental agencies that administrate criminal justice, and the investigations component of the Department of Financial Services.

³⁰ Section 943.045(6), F.S.

³¹ Section 943.045(5), F.S.

³² Sections 943.0581, 943.0582, 943.0583, and 943.0585, F.S.

³³ Section 943.045(16), F.S.

³⁴ Section 943.0585(6)(a), F.S.

³⁵ Section 943.0585(6), F.S.

When a criminal history record is sealed, it is preserved so that it is secure and inaccessible to any person who does not have a legal right to access the record or the information contained within the record.³⁶ A court may order a criminal history record sealed,³⁷ rendering it confidential and exempt from Florida's public records laws.³⁸ Only the following entities may access a sealed criminal history record:

- The subject of the record;
- His or her attorney;
- Criminal justice agencies for criminal justice purposes;
- Judges in the state courts system for assisting in their case-related decision-making responsibilities; and
- Certain enumerated entities³⁹ for licensing, access authorization, and employment purposes.⁴⁰

III. Effect of Proposed Changes:

The bill amends s. 784.041, F.S., to revise definition of domestic battery by strangulation by removing references to “family or household member” and “dating relationship.” The bill creates a new, separate offense of battery by strangulation, applicable regardless of relationship status. Definitions for “family or household member” and “dating relationship,” are also removed.

The bill also removes an element from the crime. The state will not have to prove that the battery by strangulation created or caused the risk of bodily harm.

The bill amends s. 921.0022 and 943.0584, F.S., to update the Criminal Punishment Code offense severity ranking chart and revise the list of crimes ineligible for expunction or sealing to reflect the changes in s. 784.041, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

³⁶ Section 943.045(19), F.S.

³⁷ Section 943.059, F.S.

³⁸ Sections 943.059(6) and 119.07(1), F.S.; Art. I, s. 24(a), Fla. Const.

³⁹ Section 943.059(6)(b), F.S., provides that enumerated entities include criminal justice agencies, The Florida Bar, the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, the Department of Juvenile Justice, the Department of Education, a district school board, a university laboratory school, a charter school, a private or parochial school, a local governmental entity that licenses child care facilities, the Division of Insurance Agent and Agency Services within the Department of Financial Services, and the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services.

⁴⁰ Sections 943.059(6)(a), 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 insignificant impact of the prison population for the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per DOC, in FY 24-25, there were 166 new commitments to prison for a violation of the Level 6, 3rd degree felony for domestic battery by strangulation, and 7 new commitments for battery by strangulation against another person, a Level 4, 3rd degree felony. Given the low number of new commitments for battery by strangulation against another person under current law and the small difference in incarceration rates between Level 4 (21%) and Level 6 (26%) 3rd felonies, the impact on the prison population is not expected to be significant.⁴¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴¹ Office of Economic and Demographic Research, *SB 890- Battery by Strangulation*, (on file with the Senate Committee on Criminal Justice)

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 784.041, 921.0022, 943.0584

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 784.031, Florida Statutes, is amended to
read:

784.031 Battery by strangulation.—

(1) A person commits battery by strangulation if he or she
knowingly and intentionally, against the will of another person,
impedes the normal breathing or circulation of the blood of that



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11 ~~person so as to create a risk of or cause great bodily harm~~ by
12 applying pressure on the throat or neck of the other person or
13 by blocking the nose or mouth of the other person. This
14 subsection does not apply to any act of medical diagnosis,
15 treatment, or prescription which is authorized under the laws of
16 this state.

17 (2) A person who violates subsection (1) commits a felony
18 of the third degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084.

20 Section 2. Section 784.041, Florida Statutes, is amended to
21 read:

22 784.041 Felony battery; domestic battery by strangulation.-

23 (1) A person commits felony battery if he or she:

24 (a) Actually and intentionally touches or strikes another
25 person against the will of the other; and

26 (b) Causes great bodily harm, permanent disability, or
27 permanent disfigurement.

28 (2)(a) A person commits domestic battery by strangulation
29 if the person knowingly and intentionally, against the will of
30 another, impedes the normal breathing or circulation of the
31 blood of a family or household member or of a person with whom
32 he or she is in a dating relationship, ~~so as to create a risk of~~
33 ~~or cause great bodily harm~~ by applying pressure on the throat or
34 neck of the other person or by blocking the nose or mouth of the
35 other person. This paragraph does not apply to any act of
36 medical diagnosis, treatment, or prescription which is
37 authorized under the laws of this state.

38 (b) As used in this subsection, the term:

39 1. "Family or household member" has the same meaning as in



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s. 741.28.

2. "Dating relationship" means a continuing and significant relationship of a romantic or intimate nature.

(3) A person who commits felony battery or domestic battery by strangulation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraphs (d) and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession



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56			with intent to sell, contraband prescription drugs.
57	517.07 (1)	3rd	Failure to register securities.
58	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
59	784.031	3rd	Battery by strangulation.
60	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
61	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
62	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing,



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			tossing, or expelling certain fluids or materials.
63	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
64	784.081 (3)	3rd	Battery on specified official or employee.
65	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
66	784.083 (3)	3rd	Battery on code inspector.
67	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
68	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
69	787.04 (2)	3rd	Take, entice, or remove



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70			child beyond state limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
71			
	787.07	3rd	Human smuggling.
72			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
73			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
74			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
75			
	794.051 (1)	3rd	Indecent, lewd, or



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76			lascivious touching of certain minors.
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
77			
	806.135	2nd	Destroying or demolishing a memorial or historic property.
78			
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
79			
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
80			
	810.06	3rd	Burglary; possession of tools.
81			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.



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82

810.145 (3) (b) 3rd Digital voyeurism
dissemination.

83

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

84

812.014 3rd Grand theft, 3rd degree;
(2) (c) 4. &
6.-10. specified items.

85

812.014 (2) (d) 2. 3rd Grand theft, 3rd degree;
\$750 or more taken from
dwelling or its
unenclosed curtilage.

86

812.014 (2) (e) 3. 3rd Petit theft, 1st degree;
less than \$40 taken from
dwelling or its
unenclosed curtilage
with two or more prior
theft convictions.

87

812.0195 (2) 3rd Dealing in stolen
property by use of the
Internet; property
stolen \$300 or more.

88



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89	817.505 (4) (a)	3rd	Patient brokering.
90	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
91	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
92	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
93	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
94	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any



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registered horse or
cattle.

836.14 (2)

3rd

Person who commits theft
of a sexually explicit
image with intent to
promote it.

836.14 (3)

3rd

Person who willfully
possesses a sexually
explicit image with
certain knowledge,
intent, and purpose.

837.02 (1)

3rd

Perjury in official
proceedings.

837.021 (1)

3rd

Make contradictory
statements in official
proceedings.

838.022

3rd

Official misconduct.

839.13 (2) (a)

3rd

Falsifying records of an
individual in the care
and custody of a state
agency.

839.13 (2) (c)

3rd

Falsifying records of



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102			the Department of Children and Families.
103	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
104	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
105	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
106	843.19 (2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
107	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
	870.01 (3)	2nd	Aggravated rioting.



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108	870.01 (5)	2nd	Aggravated inciting a riot.
109	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
110	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
111	914.14 (2)	3rd	Witnesses accepting bribes.
112	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
113	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
114	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF



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facilities.

115

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

116

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

117

951.22 (1) (h) ,
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

118

119

120

(f) LEVEL 6

121

Florida
Statute

Felony
Degree

Description



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122	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
123	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
124	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
125	327.30 (5) (a) 3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
126	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
127	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
128	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized



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129			person.
	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
130			
	775.0875(1)	3rd	Taking firearm from law enforcement officer.
131			
	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
132			
	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
133			
	<u>784.031</u>	<u>3rd</u>	<u>Battery by</u> <u>strangulation.</u>
134			
	784.041	3rd	Felony battery; domestic battery by strangulation.
135			
	784.048(3)	3rd	Aggravated stalking; credible threat.
136			
	784.048(5)	3rd	Aggravated stalking of person under 16.
137			



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138	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
139	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
140	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
141	784.081 (2)	2nd	Aggravated assault on specified official or employee.
142	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
143	784.083 (2)	2nd	Aggravated assault on code inspector.
144	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.



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145	787.025 (2) (a)	3rd	Luring or enticing a child.
146	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
147	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
148	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.
149	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.



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150	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
151	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.
152	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
153	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
154	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
155	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
156			



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157	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
158	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
159	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
160	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
161	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
162	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
	812.015 (9) (e)	2nd	Retail theft; committed with specified number of



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163			other persons and use of social media platform.
164	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
165	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
166	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
167	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
168	817.5695 (3) (b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
169	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.



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170	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
171	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
172	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
173	827.03 (2) (c)	3rd	Abuse of a child.
174	827.03 (2) (d)	3rd	Neglect of a child.
175	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
176	828.126 (3)	3rd	Sexual activities involving animals.
	836.05	2nd	Threats; extortion.



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177	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
178	843.12	3rd	Aids or assists person to escape.
179	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
180	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
181	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
182	893.131	2nd	Distribution of



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183			controlled substances resulting in overdose or serious bodily injury.
184	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
185	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
186	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.
187	944.40	2nd	Escapes.
188	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



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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.

Section 4. This act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to felony battery; amending s.

784.031, F.S.; revising the elements of the offense of battery by strangulation to delete creating a risk of or causing great bodily harm to another; amending s.

784.041, F.S.; revising the elements of the offense of domestic battery by strangulation to delete creating a risk of or causing great bodily harm to another; amending s. 921.0022, F.S.; reclassifying the offense of battery by strangulation for the purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

By Senator Martin

33-00888-26

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A bill to be entitled

An act relating to battery by strangulation; amending s. 784.041, F.S.; revising the elements of the offense of domestic battery by strangulation; creating the offense of battery by strangulation; providing criminal penalties; deleting the definitions of the terms "family or household member" and "dating relationship"; making technical changes; amending ss. 921.0022 and 943.0584, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 784.041, Florida Statutes, is amended to read:

784.041 Felony battery; domestic battery by strangulation.—

(1) A person commits felony battery if he or she:

(a) Actually and intentionally touches or strikes another person against the will of the other; and

(b) Causes great bodily harm, permanent disability, or permanent disfigurement.

(2) ~~(a)~~ A person commits domestic battery by strangulation if the person knowingly and intentionally, against the will of another, impedes the normal breathing or circulation of another ~~the blood of a family or household member or of a person with whom he or she is in a dating relationship, so as to create a risk of or cause great bodily harm~~ by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. This subsection ~~paragraph~~ does not

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apply to any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.

~~(b) As used in this subsection, the term:~~

~~1. "Family or household member" has the same meaning as in s. 741.28.~~

~~2. "Dating relationship" means a continuing and significant relationship of a romantic or intimate nature.~~

(3) A person who violates this section ~~commits felony battery or domestic battery by strangulation~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or

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eluding.

51

327.30 (5) (a) 3.

2nd

Vessel accidents
involving serious bodily
injury; leaving scene.

52

400.9935 (4) (c)

2nd

Operating a clinic, or
offering services
requiring licensure,
without a license.

53

499.0051 (2)

2nd

Knowing forgery of
transaction history,
transaction information,
or transaction
statement.

54

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

55

499.0051 (4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

56

775.0875 (1)

3rd

Taking firearm from law
enforcement officer.

57

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784.021 (1) (a)

3rd

Aggravated assault;
deadly weapon without
intent to kill.

58

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

59

784.041

3rd

Felony battery; ~~domestic~~
battery by
strangulation.

60

784.048 (3)

3rd

Aggravated stalking;
credible threat.

61

784.048 (5)

3rd

Aggravated stalking of
person under 16.

62

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

63

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

64

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

65

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	784.081(2)	2nd	Aggravated assault on specified official or employee.
66			
	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
67			
	784.083(2)	2nd	Aggravated assault on code inspector.
68			
	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
69			
	787.025(2)(a)	3rd	Luring or enticing a child.
70			
	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
71			
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
72			

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	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.
73			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
74			
	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
75			
	794.05(1)	2nd	Unlawful sexual activity with specified minor.
76			
	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.
77			
	800.04(6)(b)	2nd	Lewd or lascivious

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conduct; offender 18
years of age or older.

806.031(2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other
person.

810.02(3)(c)

2nd

Burglary of occupied
structure; unarmed; no
assault or battery.

810.145(8)(b)

2nd

Digital voyeurism;
certain minor victims;
2nd or subsequent
offense.

812.014(2)(b)1.

2nd

Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

812.014(2)(c)5.

3rd

Grand theft; third
degree; firearm.

812.014(6)

2nd

Theft; property stolen
\$3,000 or more;
coordination of others.

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812.015(9)(a)

2nd

Retail theft; property
stolen \$750 or more;
second or subsequent
conviction.

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.

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91	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.	
92	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.	
93	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.	
94	825.102(1)	3rd	Abuse of an elderly person or disabled adult.	
95	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	
96	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	

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97			at less than \$10,000.	
98	827.03(2)(c)	3rd	Abuse of a child.	
99	827.03(2)(d)	3rd	Neglect of a child.	
100	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.	
101	828.126(3)	3rd	Sexual activities involving animals.	
102	836.05	2nd	Threats; extortion.	
103	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.	
104	843.12	3rd	Aids or assists person to escape.	
	847.011	3rd	Distributing, offering to distribute, or	

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			possessing with intent to distribute obscene materials depicting minors.	
105	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.	
106	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	
107	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.	
108	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	
109	918.13(2) (b)	2nd	Tampering with or fabricating physical evidence relating to a	

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			capital felony.	
110	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.	
111	944.40	2nd	Escapes.	
112	944.46	3rd	Harboring, concealing, aiding escaped prisoners.	
113	944.47(1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.	
114	951.22(1) (i)	3rd	Firearm or weapon introduced into county detention facility.	
115				
116	Section 3. Subsection (2) of section 943.0584, Florida			
117	Statutes, is amended to read:			

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118 943.0584 Criminal history records ineligible for court-
 119 ordered expunction or court-ordered sealing.-
 120 (2) A criminal history record is ineligible for a
 121 certificate of eligibility for expunction or a court-ordered
 122 expunction pursuant to s. 943.0585 or a certificate of
 123 eligibility for sealing or a court-ordered sealing pursuant to
 124 s. 943.059 if the record is a conviction for any of the
 125 following offenses:
 126 (a) Sexual misconduct, as defined in s. 393.135, s.
 127 394.4593, or s. 916.1075;
 128 (b) Illegal use of explosives, as defined in chapter 552;
 129 (c) Terrorism, as defined in s. 775.30;
 130 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
 131 782.09;
 132 (e) Manslaughter or homicide, as defined in s. 782.07, s.
 133 782.071, or s. 782.072;
 134 (f) Assault or battery, as defined in ss. 784.011 and
 135 784.03, respectively, of one family or household member by
 136 another family or household member, as defined in s. 741.28(3);
 137 (g) Aggravated assault, as defined in s. 784.021;
 138 (h) Felony battery, ~~domestic~~ battery by strangulation, or
 139 aggravated battery, as defined in ss. 784.03, 784.041, and
 140 784.045, respectively;
 141 (i) Stalking or aggravated stalking, as defined in s.
 142 784.048;
 143 (j) Luring or enticing a child, as defined in s. 787.025;
 144 (k) Human trafficking, as defined in s. 787.06;
 145 (l) Kidnapping or false imprisonment, as defined in s.
 146 787.01 or s. 787.02;

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147 (m) Any offense defined in chapter 794;
 148 (n) Procuring a person less than 18 years of age for
 149 prostitution, as defined in former s. 796.03;
 150 (o) Lewd or lascivious offenses committed upon or in the
 151 presence of persons less than 16 years of age, as defined in s.
 152 800.04;
 153 (p) Arson, as defined in s. 806.01;
 154 (q) Burglary of a dwelling, as defined in s. 810.02;
 155 (r) Voyeurism or digital voyeurism, as defined in ss.
 156 810.14 and 810.145, respectively;
 157 (s) Robbery or robbery by sudden snatching, as defined in
 158 ss. 812.13 and 812.131, respectively;
 159 (t) Carjacking, as defined in s. 812.133;
 160 (u) Home-invasion robbery, as defined in s. 812.135;
 161 (v) A violation of the Florida Communications Fraud Act, as
 162 provided in s. 817.034;
 163 (w) Abuse of an elderly person or disabled adult, or
 164 aggravated abuse of an elderly person or disabled adult, as
 165 defined in s. 825.102;
 166 (x) Lewd or lascivious offenses committed upon or in the
 167 presence of an elderly person or disabled person, as defined in
 168 s. 825.1025;
 169 (y) Child abuse or aggravated child abuse, as defined in s.
 170 827.03;
 171 (z) Sexual performance by a child, as defined in s.
 172 827.071;
 173 (aa) Any offense defined in chapter 839;
 174 (bb) Certain acts in connection with obscenity, as defined
 175 in s. 847.0133;

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176 (cc) Any offense defined in s. 847.0135;
177 (dd) Selling or buying of minors, as defined in s.
178 847.0145;
179 (ee) Aircraft piracy, as defined in s. 860.16;
180 (ff) Manufacturing a controlled substance in violation of
181 chapter 893;
182 (gg) Drug trafficking, as defined in s. 893.135; or
183 (hh) Any violation specified as a predicate offense for
184 registration as a sexual predator pursuant to s. 775.21, or
185 sexual offender pursuant to s. 943.0435, without regard to
186 whether that offense alone is sufficient to require such
187 registration.
188 Section 4. This act shall take effect July 1, 2026.

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 892

INTRODUCER: Senator Martin

SUBJECT: Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals

DATE: January 16, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 892 amends s. 775.084, F.S., to revise provisions governing enhanced sentencing for repeat offenders. The bill revises definitions for habitual felony offenders (HFO), habitual violent felony offenders (HVFO), three-time violent felony offenders (TTVFO), and violent career criminals (VCC) to remove language relating to evidentiary standards and appeals, and to revise time requirements and definitions.

The bill updates procedures that the courts must follow for HFO, HVFO, TTVFO and VCC hearings to:

- Revise notice requirements by specifying that written notice must be served to defendants prior to the commencement of a trial or entry of a plea.
- Remove the evidentiary standards that the findings required as the basis for the enhancement are found by a preponderance of the evidence and are appealable.

The definitions are revised to remove language that specified an offense for which the offender has been pardoned or was set aside in a postconviction proceeding may not act as a qualified offense for enhancement. However, the bill specifies that a conviction for which the offender has been pardoned or which has been set aside is not a conviction for purposes of the enhancement for HFO, HVFO, TTVFO, and VCC offenders.

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

The bill takes effect July 1, 2026.

II. Present Situation:

Sentence Enhancements

Florida imposes sentence enhancements on defendants classified as habitual felony offenders, habitual violent felony offenders, three-time violent felony offenders, or violent career criminals, based on prior convictions and specific criteria. Courts have upheld these enhancements as constitutional when applied within statutory limits, as seen in *McDonald v State*,¹ where the court affirmed the application of habitual offender sentencing.

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. 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:²

- The defendant has two or more felony convictions (or other qualified offenses)³ 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.
- The conviction of a felony or other qualified offense necessary has not been set aside in any postconviction proceeding.⁴

If the State pursues the HFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment and may sentence the habitual felony offender as follows:⁵

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

¹ *McDonald v. State*, 957 So. 2d 605 (Fla. 2007).

² Section 775.084(1)(a), F.S.

³ Section 775.084(1)(a), F.S., provides that any felony offense qualifies except violations of s. 893.13, F.S., relating to the purchase or possession of a controlled substance, which are expressly excluded.

⁴ Section 775.084, F.S.

⁵ Section 775.084(4)(a), F.S.

The court retains discretion to decline enhanced sentencing if it determines such punishment is not necessary for the protection of the public. However, the courts must provide written reasons for doing so, and these reasons must be reported monthly to the Office of Economic and Demographic Research (EDR).⁶

Habitual Violent Felony Offender

Under current law, a defendant qualifies as a habitual violent felony offender (HVCO) if the defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:⁷

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery; or
- Aggravated stalking.

To be sentenced as a HVCO the felony for which the defendant is to be sentenced must have been committed:⁸

- While the defendant was serving a prison sentence or other sentence, or court-ordered for a prior conviction for an enumerated felony; or
- Within 5 years of the date of the conviction of the last prior enumerated felony, 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 an enumerated felony, whichever is later.⁹
- The defendant must not have received a pardon on the ground of innocence or have had a conviction set aside for any crime that is necessary to be convicted of a HVCO.¹⁰
- A conviction of a crime necessary has not been set aside in any postconviction proceeding.¹¹

⁶ Section 775.084(3)(a), F.S.

⁷ Section 775.084(1)(b), F.S.

⁸ Section 775.084(1)(b), F.S.

⁹ Section 775.084(1)(b), F.S.

¹⁰ *Id.*

¹¹ Section 775.084(1)(b), F.S.

If the State pursues the HVFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment as follows:¹²

- A life felony or a felony of the first degree, for life, and such offender is not be eligible for release for 15 years.
- A felony of the second degree, for a term of years not exceeding 30, and such offender is not be eligible for release for 10 years.
- A felony of the third degree, for a term of years not exceeding 10, and such offender is not be eligible for release for 5 years.

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. These reasons must be reported monthly to the EDR.¹³

Three-time Violent Felony Offender

A defendant qualifies as a three-time violent felony offender (TTVFO) if:

- The defendant has two or more prior adult convictions for committing or attempting to commit any of the following enumerated violent felonies:¹⁴
 - Arson;
 - Sexual battery;
 - Robbery;
 - Kidnapping;
 - Aggravated child abuse;
 - Aggravated abuse of an elderly person or disabled adult;
 - Aggravated assault with a deadly weapon;
 - Murder;
 - Manslaughter (including aggravated manslaughter of an elderly person, disabled adult, or child);
 - Unlawful throwing, placing, or discharging of a destructive device or bomb;
 - Armed burglary;
 - Aggravated battery;
 - Aggravated stalking;
 - Home invasion/robbery;
 - Carjacking; or
 - Comparable offenses from other jurisdictions (substantially similar elements).

To qualify, the felony for which the defendant is to be sentenced must also be one of the above enumerated violent felonies and it must be committed under the following circumstances:

- While the defendant was serving a prison sentence or another sentence imposed as a result of a prior conviction for any offense; or
- Within 5 years after the date of the conviction of the last prior offense enumerated in sub-subparagraphs; or

¹² Section 775.084(4)(b), F.S.

¹³ Section 775.084, F.S.

¹⁴ Section 775.084(4)(c), F.S.

- Within 5 years after the defendant's release from a prison sentence, probation, community control, or other sentence imposed as a result of a prior conviction for any offense, whichever is later.
- The defendant has not received a pardon on the ground of innocence for any crime relevant to this section.
- No conviction of a crime relevant to this paragraph has been set aside in any postconviction proceeding.¹⁵

If the State pursues the TTVFO designation and the court finds the criteria met, the court must impose a mandatory minimum term of imprisonment is provided as follows:

- A felony punishable by life, to a term of imprisonment for life;
- A felony of the first degree, to a term of imprisonment of 30 years;
- A felony of the second degree, to a term of imprisonment of 15 years; or
- A felony of the third degree, to a term of imprisonment of 5 years.¹⁶

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.¹⁷ A violent career criminal designation applies to defendants who meet all of the following criteria:

- Has three or more prior adult convictions for qualifying offenses, which include:
 - Any forcible felony¹⁸
 - Aggravated stalking¹⁹
 - Aggravated child abuse²⁰
 - Aggravated abuse of an elderly person or disabled adult²¹
 - Lewd or lascivious battery, molestation, conduct, or exhibition²²
 - Escape²³
 - Any felony violation of ch. 790, F.S., involving the use or possession of a firearm.
- Has been incarcerated in a state or federal prison.
- The current felony offense must be one of the enumerated crimes and must be 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.

¹⁵ Section 775.084(1)(c), F.S.

¹⁶ Section 775.084(4)(c), F.S.

¹⁷ Section 775.084(4)(d), F.S.

¹⁸ 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.

¹⁹ Section 784.048(3) and (4), F.S.

²⁰ Section 827.03(2)(a), F.S.

²¹ Section 825.102(2), F.S.

²² Sections 800.04 or 847.0135(5), F.S.

²³ Section 944.40, F.S.

Convictions that have been pardoned or set aside do not count toward qualification.

Article IV, Section 8 of the Florida Constitution establishes the Governor's authority to grant executive clemency. Except in cases of treason and impeachment resulting in conviction, the Governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding 60 days, and, with the approval of two members of the Cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.²⁴

III. Effect of Proposed Changes:

The bill amends s. 775.084, F.S., to revise provisions governing enhanced sentencing for repeat offenders. The bill revises definitions for habitual felony offenders (HFO), habitual violent felony offenders (HVFO), three-time violent felony offenders (TTVFO), and violent career criminals (VCC) to remove language relating to evidentiary standards and appeals, and to revise time requirements and definitions.

The bill updates procedures that the courts must follow for HFO, HVFO, TTVFO and VCC hearings to:

- Revise notice requirements by specifying that written notice must be served to defendants prior to the commencement of a trial or entry of a plea.
- Remove the evidentiary standards that the findings required as the basis for the enhancement are found by a preponderance of the evidence and are appealable.

The definitions are revised to remove language that specified an offense for which the offender has been pardoned or was set aside in a postconviction proceeding may not act as a qualified offense for enhancement. However, the bill specifies that a conviction for which the offender has been pardoned or which has been set aside is not a conviction for purposes of the enhancement for HFO, HVFO, TTVFO, and VCC offenders.

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.

²⁴ Section 940.01, 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 negative indeterminate impact on 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 1,241 admissions to prison for these offender types, with 1,020 Habitual Felony Offenders, 237 Habitual Violent Felony Offenders, 23 Violent Career Criminals, and one Three-time Felony Offender. The magnitude of the impact on the prison population from the changes to the appeals process is not known, though it will likely have a negative effect on the population.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.084

²⁵ Office of Economic and Demographic Research, *SB 892- Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals*, (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Martin

33-00887-26

2026892__

A bill to be entitled

An act relating to habitual felony offenders, habitual violent felony offenders, three-time violent felony offenders, and violent career criminals; amending s. 775.084, F.S.; revising the definitions of the terms "habitual felony offender," "habitual violent felony offender," "three-time violent felony offender," and "violent career criminal"; revising the procedures that a court must follow in separate proceedings to determine whether a defendant is a habitual felony offender, a habitual violent felony offender, a three-time violent felony offender, or a violent career criminal; providing construction; providing an effective date.

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

Section 1. Paragraphs (a) through (d) of subsection (1), subsection (2), and paragraphs (a), (b), and (c) of subsection (3) of section 775.084, Florida Statutes, are amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; three-time violent felony offenders; definitions; procedure; enhanced penalties or mandatory minimum prison terms.—

(1) As used in this act:

(a) "Habitual felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(a), if it finds that:

1. The defendant has previously been convicted of any

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combination of two or more felonies in this state or other qualified offenses.

2. The felony for which the defendant is to be sentenced was committed:

a. 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

b. 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.

3. 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 relating to the purchase or the possession of a controlled substance.

~~4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.~~

~~5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.~~

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(b), if it finds that:

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1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

- a. Arson;
- b. Sexual battery;
- c. Robbery;
- d. Kidnapping;
- e. Aggravated child abuse;
- f. Aggravated abuse of an elderly person or disabled adult;
- g. Aggravated assault with a deadly weapon;
- h. Murder;
- i. Manslaughter;
- j. Aggravated manslaughter of an elderly person or disabled adult;
- k. Aggravated manslaughter of a child;
- l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- m. Armed burglary;
- n. Aggravated battery; or
- o. Aggravated stalking.

2. The felony for which the defendant is to be sentenced was committed:

a. 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 an enumerated felony; or

b. Within 5 years of the date of the conviction of the last prior enumerated felony, or within 5 years of the defendant's release from a prison sentence, probation, community control,

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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 an enumerated felony, whichever is later.

~~3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this paragraph.~~

~~4. A conviction of a crime necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.~~

(c) "Three-time violent felony offender" means a defendant for whom the court must impose a mandatory minimum term of imprisonment, as provided in paragraph (4)(c), if it finds that:

1. The defendant has previously been convicted as an adult two or more times of a felony, or an attempt to commit a felony, and two or more of such convictions were for committing, or attempting to commit, any of the following offenses or combination thereof:

- a. Arson;
- b. Sexual battery;
- c. Robbery;
- d. Kidnapping;
- e. Aggravated child abuse;
- f. Aggravated abuse of an elderly person or disabled adult;
- g. Aggravated assault with a deadly weapon;
- h. Murder;
- i. Manslaughter;
- j. Aggravated manslaughter of an elderly person or disabled adult;

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- 117 k. Aggravated manslaughter of a child;
 118 1. Unlawful throwing, placing, or discharging of a
 119 destructive device or bomb;
 120 m. Armed burglary;
 121 n. Aggravated battery;
 122 o. Aggravated stalking;
 123 p. Home invasion/robbery;
 124 q. Carjacking; or
 125 r. An offense which is in violation of a law of any other
 126 jurisdiction if the elements of the offense are substantially
 127 similar to the elements of any felony offense enumerated in sub-
 128 subparagraphs a.-q., or an attempt to commit any such felony
 129 offense.
- 130 2. The felony for which the defendant is to be sentenced is
 131 one of the felonies enumerated in sub-subparagraphs 1.a.-q. and
 132 was committed:
- 133 a. While the defendant was serving a prison sentence or
 134 other sentence imposed as a result of a prior conviction for any
 135 offense enumerated in sub-subparagraphs 1.a.-r.; or
 136 b. Within 5 years after the date of the conviction of the
 137 last prior offense enumerated in sub-subparagraphs 1.a.-r., or
 138 within 5 years after the defendant's release from a prison
 139 sentence, probation, community control, or other sentence
 140 imposed as a result of a prior conviction for any offense
 141 enumerated in sub-subparagraphs 1.a.-r., whichever is later.
- 142 ~~3. The defendant has not received a pardon on the ground of~~
 143 ~~innocence for any crime that is necessary for the operation of~~
 144 ~~this paragraph.~~
- 145 ~~4. A conviction of a crime necessary to the operation of~~

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- 146 ~~this paragraph has not been set aside in any postconviction~~
 147 ~~proceeding.~~
- 148 (d) "Violent career criminal" means a defendant for whom
 149 the court must impose imprisonment pursuant to paragraph (4) (d),
 150 if it finds that:
- 151 1. The defendant has previously been convicted as an adult
 152 three or more times for an offense in this state or other
 153 qualified offense that is:
- 154 a. Any forcible felony, as described in s. 776.08;
 155 b. Aggravated stalking, as described in s. 784.048(3) and
 156 (4);
- 157 c. Aggravated child abuse, as described in s. 827.03(2) (a);
 158 d. Aggravated abuse of an elderly person or disabled adult,
 159 as described in s. 825.102(2);
- 160 e. Lewd or lascivious battery, lewd or lascivious
 161 molestation, lewd or lascivious conduct, or lewd or lascivious
 162 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 163 f. Escape, as described in s. 944.40; or
 164 g. A felony violation of chapter 790 involving the use or
 165 possession of a firearm.
- 166 2. The defendant has been incarcerated in a state prison or
 167 a federal prison.
- 168 3. The primary felony offense for which the defendant is to
 169 be sentenced is a felony enumerated in subparagraph 1. and was
 170 committed on or after October 1, 1995, and:
- 171 a. While the defendant was serving a prison sentence or
 172 other sentence, or court-ordered or lawfully imposed supervision
 173 that is imposed as a result of a prior conviction for an
 174 enumerated felony; or

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b. Within 5 years after the conviction of the last prior enumerated felony, or within 5 years after 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 an enumerated felony, whichever is later.

~~4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.~~

~~5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.~~

(2) For the purposes of this section, the placing of a person on probation or community control without an adjudication of guilt shall be treated as a prior conviction. A conviction for which the defendant has been pardoned or which has been reversed on appeal or set aside in a postconviction proceeding is not a conviction for purposes of this section.

(3)(a) In a separate proceeding, the court shall determine ~~whether~~ if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

1. The court shall obtain and consider a presentence investigation ~~before~~ prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

2. Written notice ~~must~~ shall be served on the defendant ~~or~~ and the defendant's attorney ~~before the commencement of trial or entry of a plea of guilty or nolo contendere a sufficient time~~

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~~prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.~~

3. Except as provided in subparagraph 1., all evidence presented ~~must~~ shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

~~4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.~~

5. For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

~~5.6.~~ For an offense committed on or after October 1, 1995, if the state attorney pursues a habitual felony offender sanction or a habitual violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a habitual felony offender or a habitual violent felony offender, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a habitual felony offender or a habitual violent felony offender, the court ~~shall~~ must provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7

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233 days after the date of sentencing. Each month, the court shall
 234 submit to the Office of Economic and Demographic Research of the
 235 Legislature the written reasons or transcripts in each case in
 236 which the court determines not to sentence a defendant as a
 237 habitual felony offender or a habitual violent felony offender
 238 as provided in this subparagraph.

239 (b) In a separate proceeding, the court shall determine
 240 whether ~~if~~ the defendant is a three-time violent felony
 241 offender. The procedure shall be as follows:

242 1. The court shall obtain and consider a presentence
 243 investigation before ~~prior to~~ the imposition of a sentence as a
 244 three-time violent felony offender.

245 2. Written notice must ~~shall~~ be served on the defendant or
 246 and the defendant's attorney before the commencement of trial or
 247 entry of a plea of guilty or nolo contendere a sufficient time
 248 prior to the entry of a plea or prior to the imposition of
 249 sentence in order to allow the preparation of a submission on
 250 behalf of the defendant.

251 3. Except as provided in subparagraph 1., all evidence
 252 presented must ~~shall~~ be presented in open court with full rights
 253 of confrontation, cross-examination, and representation by
 254 counsel.

255 4. ~~Each of the findings required as the basis for such~~
 256 ~~sentence shall be found to exist by a preponderance of the~~
 257 ~~evidence and shall be appealable to the extent normally~~
 258 ~~applicable to similar findings.~~

259 5. For the purpose of identification of a three-time
 260 violent felony offender, the court shall fingerprint the
 261 defendant pursuant to s. 921.241.

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262 5.6- For an offense committed on or after the effective
 263 date of this act, if the state attorney pursues a three-time
 264 violent felony offender sanction against the defendant and the
 265 court, in a separate proceeding pursuant to this paragraph,
 266 determines that the defendant meets the criteria under
 267 subsection (1) for imposing such sanction, the court must
 268 sentence the defendant as a three-time violent felony offender,
 269 subject to imprisonment pursuant to this section as provided in
 270 paragraph (4)(c).

271 (c) In a separate proceeding, the court shall determine
 272 whether the defendant is a violent career criminal with respect
 273 to a primary offense committed on or after October 1, 1995. The
 274 procedure shall be as follows:

275 1. Written notice must ~~shall~~ be served on the defendant or
 276 and the defendant's attorney before the commencement of trial or
 277 entry of a plea of guilty or nolo contendere a sufficient time
 278 prior to the entry of a plea or prior to the imposition of
 279 sentence in order to allow the preparation of a submission on
 280 behalf of the defendant.

281 2. All evidence presented must ~~shall~~ be presented in open
 282 court with full rights of confrontation, cross-examination, and
 283 representation by counsel.

284 3. ~~Each of the findings required as the basis for such~~
 285 ~~sentence shall be found to exist by a preponderance of the~~
 286 ~~evidence and shall be appealable only as provided in paragraph~~
 287 ~~(d).~~

288 4. For the purpose of identification, the court shall
 289 fingerprint the defendant pursuant to s. 921.241.

290 4.5- For an offense committed on or after October 1, 1995,

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291 if the state attorney pursues a violent career criminal sanction
292 against the defendant and the court, in a separate proceeding
293 pursuant to this paragraph, determines that the defendant meets
294 the criteria under subsection (1) for imposing such sanction,
295 the court must sentence the defendant as a violent career
296 criminal, subject to imprisonment pursuant to this section
297 unless the court finds that such sentence is not necessary for
298 the protection of the public. If the court finds that it is not
299 necessary for the protection of the public to sentence the
300 defendant as a violent career criminal, the court must ~~shall~~
301 provide written reasons; a written transcript of orally stated
302 reasons is permissible, if filed by the court within 7 days
303 after the date of sentencing. Each month, the court shall submit
304 to the Office of Economic and Demographic Research of the
305 Legislature the written reasons or transcripts in each case in
306 which the court determines not to sentence a defendant as a
307 violent career criminal as provided in this subparagraph.

308 Section 2. This act shall take effect July 1, 2026.

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 900

INTRODUCER: Senator Garcia

SUBJECT: Boating Safety

DATE: January 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 900 amends multiple statutes relating to boating safety. Specifically, the bill amends:

- Sections 322.051, and 322.14, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to issue an original, renewal or replacement identification cards and driver licenses with a lifetime boating safety identification card symbol upon the applicant's identification or license if certain conditions are met. The bill requires the DHSMV to issue certain replacement identification cards or license without charging a specified fee.
- Section 322.08, F.S., to require that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application.
- Section 327.30, F.S., to revise penalties for person operating a vessel involved in an accident resulting in property damage or death of another person who leave the scene of the accident under certain circumstances.
- Section 327.33, F.S., to provide increased criminal penalties for a person who violates a navigation rule while operating a vessel that results in an accident causing serious bodily injury or death but the violation does not constitute reckless operation of a vessel. The bill defines "Serious bodily injury."
- Section 327.35, F.S., to:
 - Specify that a person must be in physical control of a vessel to commit BUI.
 - Require a person convicted of boating under the influence (BUI) manslaughter must be sentenced to a mandatory term of imprisonment of 4 years.
 - Require the court to order the mandatory placement of ignition interlock devices upon certain vehicles by persons convicted of BUI, and permits the court to order ignition interlock in other circumstances.
 - Revise the substance abuse education, evaluation, and treatment requirements for certain persons, and provides for the revocation or suspension of driving privileges for failure to complete a required substance abuse education course.

- Require a person convicted of certain BUI violations and one or more additional criminal violation under ch. 327, to maintain an insurance policy to meet certain requirements.
- Amends s. 327.352, F.S., to suspend a person's privilege to operate a vessel if he or she fails to submit to a lawful test of his or her breath or urine for BUI.
- Amends s. 327.395, F.S., to provide that while operating a vessel powered by a motor of 10 horsepower or more a person must have in his or her possession aboard the vessel specified documentation, which includes boating safety ID.
 - Requires a Florida Fish and Wildlife Conservation Commission-approved (FWC) boating safety education course or temporary certificate examination be developed or approved by the FWC must include certain components, including the dangers of BUI and Human Trafficking.
- Amends s. 327.731, F.S., to revise the mandatory education requirements for a person convicted of certain violations.
- Amends s. 921.0022, F.S. to rank the third degree felony of Vessel accidents causing serious bodily injury or death but not reckless operation of a vessel on the offense severity ranking chart of Criminal Punishment Code.

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

Sections 1, 2, 3, 6, 7 and 10 of this bill are effective October 1, 2027. Subsection (1) of Section 8 of this bill is effective July 1, 2028. Except as otherwise expressly provided in this act, this bill takes effect July 1, 2026.

II. Present Situation:

Fish and Wildlife Conservation Commission

The FWC is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ Chapter 327, F.S., concerning vessel safety, is enforced by the FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.²

The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.³ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁴

¹ FLA. CONST. art. IV, s. 9. There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The FWC shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the FWC shall be prescribed by general law.

² Section 327.70(1), F.S.

³ Fish and Wildlife Conservation Commission (FWC), Boating, available at <https://myfwc.com/boating/> (last visited January 11, 2026).

⁴ Fish and Wildlife Conservation Commission (FWC), Law Enforcement, available at <https://myfwc.com/about/inside-fwc/le/> (last visited January 11, 2026). The FWC's Division of Law Enforcement is responsible for protecting Florida's natural

Boating Safety Education and Identification Cards

A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel the following:

- Photographic identification and a Florida boating safety identification card issued by the FWC;
- A state-issued identification card or driver license indicating possession of the Florida boating safety identification card; or
- Photographic identification and a temporary certificate issued or approved by the FWC, an
- International Certificate of Competency, a boating safety card or certificate from another state or United States territory, or a Canadian Pleasure Craft Operator Card.⁵

A person is exempt from the requirement to have the specified identification and documentation described above if he or she:

- Is licensed by the United States Coast Guard to serve as master of a vessel;⁶ or
- Has been previously licensed by the United States Coast Guard to serve as master of a vessel, provides proof of such licensure to the FWC, and requests that a boating safety identification card be issued in his or her name.⁷
- Operates a vessel on a private lake or pond.⁸
- Is accompanied in the vessel by a person who is exempt from this section or who holds a boating safety identification card in compliance with this section, who is 18 years of age or older, and who is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.⁹
- Is a nonresident who has in his or her possession photographic identification and proof that he or she has completed a boating safety education course or equivalency examination in another state or a United States territory which meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators.¹⁰
- Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale meeting the requirements of s. 328.46(1), F.S.¹¹
- Is operating a vessel within 90 days after completing a boating safety education course and has a photographic identification card and a boating safety education certificate available for inspection as proof of having completed a boating safety education course. The boating

resources, including fish, wildlife and the environment, while providing a safe atmosphere for residents and visitors to recreate. Fish and Wildlife Conservation Commission (FWC) officers have full police powers and statewide jurisdiction. They patrol rural, wilderness and inshore and offshore areas and are often the sole law enforcement presence in many remote parts of the state. The Division of Law Enforcement has cooperative agreements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Officers are also cross-deputized to enforce federal marine fisheries and wildlife laws, thus ensuring state and federal consistency in resource-protection efforts.

⁵ Section 327.395(2), F.S.

⁶ Section 327.395(6)(a)1., F.S.

⁷ Section 327.395(6)(a)2., F.S.

⁸ Section 327.395(6)(b), F.S.

⁹ Section 327.395(6)(c), F.S.

¹⁰ Section 327.395(6)(d), F.S.

¹¹ Section 327.395(6)(e), F.S.

safety education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination.¹²

- Is exempted by rule of the FWC.¹³

A person may obtain a Florida boating safety identification card by successfully completing a boating safety education course that meets the requirements and rules adopted by the FWC.¹⁴ A person may obtain a temporary certificate by passing a temporary certificate examination that meets the requirements of this section and rules adopted by the FWC pursuant to this section.¹⁵

An FWC-approved boating safety education course or temporary certificate examination developed or approved by the FWC must include components regarding:

- Driving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331, F.S.¹⁶
- The danger associated with:
 - A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.
 - A passenger falling overboard.
 - Operating a vessel with a person in the water near the vessel.
 - Starting a vessel with the engine in gear.
 - Leaving the vessel running when a passenger is boarding or disembarking.¹⁷
 - The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.¹⁸

A Florida boating safety identification card issued to a person who has completed a boating safety education course is valid for life. A temporary certificate issued to a person who has passed a temporary certification examination is valid for 90 days after the date of issuance. The FWC may issue either the boating safety identification card or the temporary certificate in a digital, electronic, or paper format.¹⁹ The FWC may establish and collect a \$2 fee for each card and temporary certificate issued.²⁰

A boating safety education course is mandatory for persons convicted of certain boating safety violations. A person convicted of a criminal boating safety violation, of a noncriminal boating safety infraction if it resulted in a reportable boating accident, or of two noncriminal infractions²¹ occurring within a 12-month period must:

¹² Section 327.395(6)(f), F.S.

¹³ Section 327.395(6)(g), F.S.

¹⁴ Section 327.395(3)(a), F.S.

¹⁵ Section 327.395(3)(b), F.S.

¹⁶ Section 327.395(4)(a), F.S.

¹⁷ Section 327.395(4)(b)1-5, F.S.

¹⁸ Section 327.395(4)(c), F.S.

¹⁹ Section 327.395(5), F.S.

²⁰ Section 327.395(9), F.S.

²¹ The noncriminal boating safety infractions included relate to careless operation; water skiing, aquaplaning, parasailing, and similar activities; interference with navigation; boating-restricted areas and speed limits; required safety equipment, lights, and shapes; navigation rules; personal watercraft; boater safety education; operation of overloaded or overpowered vessels; divers-down warning devices; adequate mufflers on an airboat; display of a flag on an airboat; carelessly causing seagrass scarring; and protection zones for springs. Sections 327.731(1) and 327.73(2), F.S.

- Enroll in, attend, and successfully complete, at his or her own expense, an FWC-approved classroom or online boating safety course;
- File with FWC within 90 days proof of successful completion of the course;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course with FWC; and
- Pay a \$500 fine.²²

Boating Crimes

Vessel Homicide

Vessel homicide is the killing of a human being including the death of an unborn child by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another.²³ Vessel homicide is generally a second degree felony;²⁴ however, it is a first degree felony if:

- At the time of the accident, the person knew or should have known, that the accident occurred;²⁵ and
- The person failed to give information and render aid as required.²⁶
- The person has a prior conviction of vessel homicide.²⁷

Careless and Reckless Boating

Generally, a person may not operate a vessel in a reckless or careless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person, commits second degree misdemeanor offense of reckless operation of a vessel.²⁸

A person who operates any vessel upon the waters of this state must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. The failure to operate a vessel in a manner described constitutes careless operation. Failing to operate a vessel in this manner is the noncriminal infraction of careless operation.²⁹

Leaving the Scene

It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he or she can do so without serious danger to the operator's own vessel, crew, and passengers, if any, to render assistance to other persons affected. Additionally, he or she must give his or her

²² Section 327.731(2), F.S.

²³ Section 782.072, F.S.

²⁴ Section 782.072(2)(a), F.S.

²⁵ Section 782.072(2)(b)1., F.S.

²⁶ Section 782.072(2)(b)2., F.S.

²⁷ Section 782.072(3), F.S.

²⁸ Section 327.33(1), F.S.

²⁹ Section 327.33(2), F.S.

name, address, and identification of his or her vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. The operator of a vessel involved in an accident with an unattended vessel must take all reasonable steps to locate and notify the owner or person in charge of such vessel of the accident, and give to the owner his or her name, address, and registration number and reporting.³⁰

A person commits a:

- Second degree misdemeanor for leaving the scene of a vessel involved in an accident, if such accident results in property damage only.³¹
- Third degree felony for leaving the scene of a vessel involved in an accident if such accident results in injury to a person other than serious bodily injury.³²
- Second degree felony for leaving the scene of a vessel involved in an accident, if such accident results in serious bodily injury.³³
- First degree felony for leaving the scene of a vessel involved in an accident, if such accident results in the death of another person or an unborn child.³⁴

Boating Under the Influence

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

- Is under the influence of an alcoholic beverage, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., when affected to the extent that the person's normal faculties are impaired;³⁵
- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood;³⁶ or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.³⁷

The criminal penalties for BUI vary depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.³⁸

The penalties for a first or second BUI offense includes:

- A fine of not less than \$500 or more than \$1,000 for a first conviction.³⁹
- A fine of not less than \$1,000 or more than \$2,000 for a second conviction.⁴⁰
- Imprisonment for not more than 6 months for a first conviction.⁴¹
- Imprisonment for not more than 9 months for a second conviction.⁴²
- A period of probation not exceeding one year for a first conviction.⁴³

³⁰ Section 327.30(1), F.S.

³¹ Section 327.30(5)(a)1., F.S.

³² Section 327.30(5)(a)2., F.S.

³³ Section 327.30(5)(a)3, F.S.

³⁴ Section 327.30(5)(a)4., F.S.

³⁵ Section 327.35(1)(a), F.S.

³⁶ Section 327.35(1)(b), F.S.

³⁷ Section 327.35(1)(c), F.S.

³⁸ Section 327.35, F.S.

³⁹ Section 327.35(2)(a)1.a., F.S.

⁴⁰ Section 327.35(2)(a)1.b., F.S.

⁴¹ Section 327.35(2)(a)2.a., F.S.

⁴² Section 327.35(2)(a)2.b., F.S.

⁴³ Section 327.35(6)(a), F.S.

- A mandatory 50 hours of community service,⁴⁴ and a mandatory 10-day vessel impoundment or immobilization for a first conviction.⁴⁵
- A mandatory term of imprisonment of a least 10 days and a mandatory 30-day vessel impoundment or immobilization for a second conviction that occurs within a period of 5 years after the date of a prior conviction.⁴⁶

Any person who is convicted of a third BUI for an offense that occurs within 10 years after a prior conviction for a BUI commits a third degree felony.⁴⁷ Additionally, the court must order imprisonment of at least 30 days, and order the impoundment or immobilization of the vessel for 90 days.⁴⁸

Any person who is convicted of a third BUI for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months.⁴⁹

Any person who is convicted of a fourth or subsequent BUI, regardless of when any prior conviction for a violation of this section occurred commits a third degree felony. The fine imposed for a fourth or subsequent violation may not be less than \$2,000.⁵⁰

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

- Damage to the property or person of another commits a first degree misdemeanor.⁵¹
- Serious bodily injury to another commits a third degree felony.⁵²
- The death of any human being or unborn child commits BUI manslaughter and commits a second degree felony.⁵³
 - If at the time of the accident the person knew, or should have known, that the accident occurred and failed to give information and render aid, such person commits a first degree felony.⁵⁴
 - A person who is convicted of BUI manslaughter shall be sentenced to a mandatory minimum term of imprisonment of 4 years.⁵⁵

Any person who is convicted of a BUI and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a BUI and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, must be punished.⁵⁶

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Section 327.35(6)(b), F.S.

⁴⁷ Section 327.35(2)(b)1., F.S.

⁴⁸ Section 327.35(6)(c), F.S.

⁴⁹ Section 327.35(2)(b)2., F.S.

⁵⁰ Section 327.35(2)(b)3., F.S.

⁵¹ Section 327.35(3)(a)3.a., F.S.

⁵² Section 327.35(3)(a)3.b., F.S.

⁵³ Section 327.35(3)(a)3.c.(I), F.S.

⁵⁴ Section 327.35(3)(a)3.c.(II)(A)-(B), F.S., penalties for this subsection does not require that the person know that the accident resulted in injury or death.

⁵⁵ Section 327.35(3)(a)3.c.(III)(b), F.S.

⁵⁶ Section 327.35(4), F.S.

- By a fine of:
 - Not less than \$1,000 or more than \$2,000 for a first conviction.⁵⁷
 - Not less than \$2,000 or more than \$4,000 for a second conviction.⁵⁸
 - Not less than \$4,000 or a third or subsequent conviction.⁵⁹
- By imprisonment for:
 - Not more than 9 months for a first conviction.⁶⁰
 - Not more than 12 months for a second conviction.⁶¹

Additionally, the court must place any person convicted of BUI to monthly reporting probation and must require attendance at a substance abuse course specified by the court. The agency conducting the course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment.⁶²

Implied Consent

A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages.⁶³ Additionally, a person is deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances.⁶⁴

The urine, or chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcohol, chemical substances, or controlled substances. The administration of a breath test does not preclude the administration of another type of test.⁶⁵

The person must be told that his or her failure to submit to any lawful test of his or her urine or breath under this chapter will result in a civil penalty of \$500, and that if he or she refuses to submit to a lawful test of his or her urine or breath and he or she has been previously fined his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a first degree misdemeanor.⁶⁶

⁵⁷ Section 327.35(4)(a)1., F.S.

⁵⁸ Section 327.35(4)(a)2., F.S.

⁵⁹ Section 327.35(4)(a)3., F.S.

⁶⁰ Section 327.35(4)(b)1., F.S.

⁶¹ Section 327.35(4)(b)2., F.S.

⁶² Section 327.35(5), F.S.

⁶³ Section 327.352(1)(a)1., F.S.

⁶⁴ Section 327.352(1)(a)2., F.S.

⁶⁵ Section 316.1932(1)(a)1.a., F.S.

⁶⁶ Section 327.352(1)(a)1.-2., F.S.

The refusal to submit to a urine, or chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.⁶⁷

Refusal

A second or subsequent refusal to submit to a breath or urine test is a first degree misdemeanor.⁶⁸

A person who has refused to submit to a chemical or physical test of his or her breath or urine and who has been previously fined under s. 327.35215, F.S.,⁶⁹ or has previously had his or her driver license suspended for refusal to submit to a lawful test of his or her breath, urine, or blood:

- Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;⁷⁰
- Who was placed under lawful arrest for a BUI unless such test was requested pursuant to s. 327.352(1)(c), F.S.;⁷¹
- Who was informed that if he or she refused to submit to such test, he or she is subject to a fine of \$500;⁷²
- Who was informed that a refusal to submit to a lawful test of his or her breath or urine, if he or she has been previously fined for a prior refusal or has previously had his or her driver license suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a first degree misdemeanor;⁷³ and
- Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer.⁷⁴

Blood Test for Impairment

While there is implied consent for a urine or breath test, a blood draw to determine whether a person is under the influence of alcohol, a chemical substance or a controlled substance generally requires a warrant. A blood draw is considered a search and individuals cannot be lawfully compelled to submit to a blood draw by statute.⁷⁵

However, a law enforcement officer who has probable cause to believe a vessel operated by a person under the influence of alcoholic beverages, any chemical substance, or any controlled substance has caused the death or serious bodily injury of a human being, must require the

⁶⁷ Section 327.352(1)(a)1.-2., F.S.

⁶⁸ Section 316.1939(1)(d), F.S.

⁶⁹ Section 327.35215, F.S., provides that a person arrested for an alleged violation of BUI who refuses to submit to a blood test, breath test, or urine test is subject to a \$500 civil penalty.

⁷⁰ Section 327.359(1), F.S.

⁷¹ Section 327.359(2), F.S.

⁷² Section 327.359(3), F.S.

⁷³ Section 327.359(4), F.S.

⁷⁴ Section 327.359(5), F.S.

⁷⁵ *State v. Hamilton*, 350 So. 3d 839 (1st DCA 2022) (citing *Missouri v. McNeely*, 569 U.S. 141, 148 (2013) and *Birchfield v. North Dakota*, 579 U.S. 438, 477 (2016)).

person operating the vessel to submit to a blood draw. The officer may use reasonable force if necessary to require the person to submit to the administration of such blood draw.⁷⁶

Courts have upheld a similar statute allowing forcible blood draw after a traffic accident with serious bodily injury where there is probable cause to believe that the driver was under the influence of alcohol.⁷⁷

Boarding a vessel (Search)

The Florida Supreme Court has held that the state's interest in random stopping and brief detention of motorboats for limited purposes outweighs a person's interest in being completely free from such limited intrusion.⁷⁸ No officer shall board any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard. An officer may board a vessel:

- When the owner or operator is aboard with consent; or
- When the officer has probable cause or knowledge to believe that a violation of a provision of this chapter has occurred or is occurring.⁷⁹

An officer may not board any vessel or perform a vessel stop in this state unless the officer has probable cause to believe that a vessel safety violation has occurred or is occurring.⁸⁰ An officer may not perform a vessel stop or board a vessel for the sole purpose of performing a safety or marine sanitation equipment inspection. A violation of safety or marine sanitation equipment requirements is a secondary offense, rather than a primary offense.⁸¹

However, law enforcement officers may enter upon any land or waters of the state for performance of their lawful duties and may take with them any necessary equipment, and such entry will not constitute a trespass. It is lawful for any boat, motor vehicle, or aircraft owned or chartered by the commission or its agents or employees to land on and depart from any of the beaches or waters of the state. Such law enforcement officers have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products.⁸²

Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Such law enforcement officers may at any time seize or take possession of any saltwater products or contraband which have been unlawfully caught, taken, or processed or which are unlawfully possessed or transported in violation of any of the laws of this state or any

⁷⁶ Section 327.353(1)(a), F.S.

⁷⁷ See *State v. Quintanilla*, 276 So. 3d 941(3rd DCA 2019).

⁷⁸ *State v. Casal*, 410 So.2d 152 (Fla. 1982).

⁷⁹ Section 327.56(1), F.S.

⁸⁰ *Id.*

⁸¹ Section 327.56(2), F.S.

⁸² Section 379.3313(1), F.S.

rule of the commission. Such law enforcement officers may arrest any person in the act of violating this law, the rules of the commission, or any of the laws of this state.⁸³

It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the FWC.⁸⁴

Offense Severity Ranking Chart (OSRC)

Felony offenses which are subject to the Criminal Punishment Code⁸⁵ are listed in a single OSRC, which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{86,87} A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.⁸⁸

III. Effect of Proposed Changes:

The bill amends multiple statutes relating to boating safety.

Section I, II, III: Identification Cards, Driver License, and Applications

The bill amends ss. 322.051, F.S. and 322.14, F.S., to require the DHSMV to issue an original, renewal or replacement identification cards or driver license with a lifetime boating safety identification card symbol upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the FWC that the applicant was issued a Florida boating safety identification card.

The department must include the lifetime boating safety identification card symbol on an original, renewal, or replacement identification card with no additional fee to the applicant for the designation. If the sole purpose of a replacement identification card is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement identification card or driver license must be issued without payment of the fee required by s. 322.21(1)(f), F.S.⁸⁹

The bill amends s. 322.08, F.S., to require that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application.

⁸³ *Id.*

⁸⁴ Section 379.3313(1), F.S.

⁸⁵ All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.

⁸⁶ Section 921.0022, F.S.

⁸⁷ Section 921.0022(2), F.S.

⁸⁸ Section 921.0024(2), F.S., provides that if a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control.

⁸⁹ Section 322.21(1)(f), F.S., provides that an original, renewal, or replacement identification card issued is \$25.

The FWC may provide to the DHSMV any record documenting the applicant's completion of a boating safety education course meeting the requirements of s. 327.395, F.S., or issuance of a Florida boating safety identification card.

Section IV: Leaving the Scene of Vessel Accident

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

- Property damage only, the person commits a first degree misdemeanor.⁹⁰
- The death of another person the person commits a first degree felony. The bill removes the death of an unborn child from this offense.⁹¹
 - A person who willfully commits a violation of the above law while operating a vessel under the influence must be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section V: Reckless or Careless operation of a vessel

The bill amends s. 327.33, F.S., to define the term "serious bodily injury" means an injury to a person which consists of a physical condition that creates a serious personal disfigurement or protracted loss or impairment of the function of a bodily member or organ.

A person who violates a navigation rule while operating a vessel that results in an accident causing serious bodily injury or death but the violation does not constitute reckless operation of a vessel, commits a third degree felony. This bill increases the penalty for such a violation from a misdemeanor to a third degree felony.

Section VI: Boating Under the Influence

The bill amends s. 327.35, F.S., to specify that a person commits the offense of boating under the influence and is subject to punishment if the person is in physical control of a vessel within this state and commits certain acts.

A person convicted of BUI manslaughter must be sentenced to a mandatory term of imprisonment of 4 years.

Ignition Interlock

The bill provides for the mandatory placement of an ignition interlock device as ordered by the court and approved by the DHSMV in accordance with s. 316.1938, F.S., upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The ignition interlock device must be installed, at the convicted person's sole expense, for not:

- Less than two continuous years for a 3rd violation that occurs within 10 years after a prior conviction.

⁹⁰ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

⁹¹ A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, 775.084, F.S.

- Less than two continuous years for a 3rd violation that occurred more than 10 years after the date of a prior conviction.
- Less than six continuous months for the first offense and for not less than two continuous years for a second offense for any person who is convicted of a BUI who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

The court may order ignition interlock for not less than six continuous months for a 4th or subsequent violation if the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher.

Substance Abuse Treatment Referral

The bill revises language relating to substance abuse education, evaluation, and treatment. The agency conducting court ordered substance abuse course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment which must include a psychosocial evaluation. If the substance abuse program makes such a referral, the completion of all such education, evaluation and treatment is a condition of reporting probation.

A referral to treatment resulting from a psychosocial evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider appointed by the court. The provider must be provided access to the substance abuse program's psychosocial evaluation before the independent psychosocial evaluation is conducted. The court must review the results and recommendations of both evaluations before determining the request for a waiver.

This bill provides that upon notification of the offender's failure to complete the substance abuse education course and treatment, the court may order the suspension or revocation of the offender's driving privileges. The DHSMV may temporarily reinstate the driving privilege on a restricted basis upon verification from the substance abuse program that the offender is currently participating in treatment and that both the substance abuse education course and evaluation requirement have been completed.

An organization that conducts an offender's substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the DHSMV. A waiver may be granted only if the DHSMV, in accordance with the DHSMV rule, determines that the service provider conducting the substance abuse education and evaluation is the most appropriate service provider and is licensed under ch. 397, F.S., or is exempt from such licensure. Organizations authorized to provide services under this section shall submit quarterly statistical referral reports to the department.

Other BUI Penalties and Requirements

For the second conviction for an offense that occurs within a period of five years after the date of a prior conviction, the court may order a defendant to pay a fine of \$10 for each hour of public service or community work otherwise required only if the court finds that the residence or location of the defendant at the time public service or community work is required or the defendant's employment obligations would create an undue hardship for the defendant.

However, the total period of probation and incarceration may not exceed one year. The bill decreases from 30 to 10 the number of days that a vessel must be impounded.

A person convicted of BUI whether arising from the same incident or incidents occurring within the preceding 12 months, must maintain an insurance policy insuring against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Such insurance policy must contain limits of not less than \$100,000 for bodily injury liability or death and \$50,000 for property damage. A person who operates a vessel without such insurance policy commits a second degree misdemeanor.

Section VII: Implied Consent

The bill amends s. 327.352, F.S., to provide that a person must be told that his or her failure to submit to a lawful test of his or her breath or urine will result in a suspension of the person's privilege to operate a vessel for a period of one year for a first refusal or for a period of 18 months if his or her privilege to operate a vessel has been previously suspended or if he or she has been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required.

Section VIII: Boating Safety Education

The bill amends s. 327.395, F.S., to provide that while operating a vessel powered by a motor of 10 horsepower or more a person must have in his or her possession aboard the vessel specified documentation. Current law provides that only persons born on or after a specified date must carry such documentation.

An FWC-approved boating safety education course or temporary certificate examination developed or approved by the commission must include specified components. The bill adds to the list of specified components:

- BUI
- Human trafficking

Section IX: Mandatory Education

The bill amends s. 327.731, F.S., to revise the mandatory education requirements for a person convicted of a criminal violation, convicted of a noncriminal infraction if the infraction resulted in a reportable boating accident, or convicted of a specified noncriminal infraction. A person convicted of specified noncriminal infractions must do all of the following:

- Enroll in, attend, and successfully complete, at his or her own expense, one of the following courses, as applicable:
 - For a person convicted of any two noncriminal infractions within a 24-month period, the boating safety education course provided for in s. 327.395, F.S.
 - For a person convicted of a criminal violation, of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or of three or more noncriminal infractions within a 36-month period, the boating safety education course provided for in s. 327.395, F.S. and a 4-hour course that includes information regarding all of the following:
 - The boating laws of this state.

- Causes and prevention of boating accidents.
- The importance of wearing personal floatation devices.
- The use of common sense and common courtesy while operating a vessel.
- How to operate a vessel defensively.

Section X: Offense Severity Ranking Chart

The bill amends s. 921.0022, F.S., to add the offense of vessel accidents causing serious bodily injury or death but not reckless operation of a vessel. The offense is a third degree felony, ranked as a Level 6 in the offense severity ranking chart.

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:

Pursuant to s. 327.395(9), F.S., the FWC is authorized to collect a fee of \$2.00 for each card and temporary certificate associated with boating safety education courses. The bill would result in an increase in the volume of boaters required to obtain a boating safety

education card or certificate, which would result in an increase in the amount of revenue collected from associated fees. Any such impact would be indeterminately positive.⁹²

The bill would increase the number of boating safety education cards and certificates issued by the FWC. Currently about 45 percent of the cards issued are printed on plastic and accompanied by a letter mailed to the card holder. When plastic cards are issued, there is a cost associated with staff time, cost of the card/letter/envelope, printing, and the cost of mailing each card.⁹³

Additionally, provisions in the bill related to records communicated to the DHSMV may require a mechanism by which to disseminate information. As such, the bill would have an indeterminate negative fiscal impact on expenditures proportionate to the relative increase in card and certificate issuance.⁹⁴

The FWC would need to develop a process to share/provide to the DHSMV the data containing names of individuals who have completed a boating safety education course. We do not anticipate any fiscal impact, as such processes could likely be provided for using existing resources.⁹⁵

The DHSMV collected \$1,453 in the Highway Safety Operating Trust Fund in FY 2022-2023 from customers who requested just the Lifetime Boater Safety designation. Although the DHSMV cannot predict how many individuals would add the Lifetime Boater Safety designation, if the same number of customers of FY 2022-2023 requested the Lifetime Boater Safety designation, then the fiscal year revenue loss would be \$1,453.⁹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.08, 322.14, 327.30, 327.33, 327.35, 327.352, 327.395, 327.731, 119.0712, 921.0022, 327.54.

⁹² Florida Fish and Wildlife Conservation, 2024 Agency Legislative Bill Analysis, on SB 30, pg. 4 (on file with the Senate Committee on Criminal Justice).

⁹³ Florida Fish and Wildlife Conservation, 2024 Agency Legislative Bill Analysis, on SB 30, pg. 5 (on file with the Senate Committee on Criminal Justice).

⁹⁴ Florida Fish and Wildlife Conservation, 2024 Agency Legislative Bill Analysis, on SB 30, pg. 5 (on file with the Senate Committee on Criminal Justice).

⁹⁵ Florida Fish and Wildlife Conservation, 2024 Agency Legislative Bill Analysis, on SB 30, pg. 5 (on file with the Senate Committee on Criminal Justice).

⁹⁶ Highway Safety and Motor Vehicles, 2024 Agency Legislative Bill Analysis on SB 30 at pg. 4 (on file with the Senate Committee on Criminal Justice).

The bill reenacts 327.54, F.S., relating to liveries, to incorporate the amendment made to s. 327.395.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



964308

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete line 213

and insert:

4. The death of another person or an unborn child, commits

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

And the title is amended as follows:

Delete lines 31 - 35

and insert:



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11 resulting in property damage who leave the scene of
12 the accident under certain circumstances; providing a
13 mandatory minimum sentence for a person who operates a
14 vessel involved in an accident or injury and leaves
15 the scene of such accident or injury without
16 performing certain duties if such violation results in
17 the death of another person or unborn child and was
18 committed while

By Senator Garcia

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1 A bill to be entitled
 2 An act relating to boating safety; amending s.
 3 322.051, F.S.; revising the conditions upon which the
 4 Department of Highway Safety and Motor Vehicles must
 5 include a certain symbol on identification cards;
 6 requiring the department to issue original, renewal,
 7 or replacement identification cards that include a
 8 certain symbol in certain circumstances; requiring
 9 that replacement identification cards be issued
 10 without charging a specified fee under certain
 11 circumstances; amending s. 322.08, F.S.; requiring
 12 that applications for original, renewal, or
 13 replacement driver licenses or identification cards
 14 indicate whether the applicant has obtained a Florida
 15 boating safety identification card and, if so, that a
 16 copy of such card be submitted with the application;
 17 authorizing the Fish and Wildlife Conservation
 18 Commission to provide the department with certain
 19 information relating to the applicant; amending s.
 20 322.14, F.S.; revising the conditions upon which the
 21 department must include a certain symbol on driver
 22 licenses; requiring the department to issue original,
 23 renewal, or replacement driver licenses with a certain
 24 symbol to applicants if certain conditions are met;
 25 requiring the department to include the symbol on such
 26 licenses with no additional fee for the designation;
 27 requiring the department to issue certain replacement
 28 driver licenses without charging a specified fee;
 29 amending s. 327.30, F.S.; revising the penalties for

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

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30 persons operating a vessel involved in an accident
 31 resulting in property damage or death of another
 32 person who leave the scene of the accident under
 33 certain circumstances; providing a mandatory minimum
 34 sentence for a person who willfully commits such
 35 violation resulting in the death of another while
 36 boating under the influence (BUI); amending s. 327.33,
 37 F.S.; defining the term "serious bodily injury";
 38 providing increased criminal penalties for violations
 39 of navigation rules under certain circumstances;
 40 amending s. 327.35, F.S.; making technical changes;
 41 requiring courts to order the mandatory placement of
 42 ignition interlock devices upon certain vehicles and
 43 vessels leased or owned and routinely operated by
 44 certain persons under certain circumstances; requiring
 45 that such devices be installed at the convicted
 46 person's sole expense for specified time periods for
 47 varying offenses; providing a mandatory minimum term
 48 of imprisonment for a person convicted of BUI
 49 manslaughter; revising substance abuse education,
 50 evaluation, and treatment requirements for certain
 51 persons; requiring an agency conducting a substance
 52 abuse course to notify the court and department of an
 53 offender's failure to report to or complete such
 54 treatment or education and evaluation; providing
 55 requirements for the department upon the receipt of
 56 such notice; authorizing the department to temporarily
 57 reinstate the driving privilege under certain
 58 circumstances; requiring waivers before organizations

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59 conducting substance abuse education and evaluation
 60 begin providing such treatment; providing
 61 authorization and documentation requirements for such
 62 waivers; requiring such organizations to submit
 63 specified quarterly reports to the department;
 64 authorizing the court to order a defendant to pay a
 65 fine under certain circumstances; providing
 66 restrictions for the total period of probation and
 67 incarceration; requiring a person convicted of certain
 68 BUI violations to maintain an insurance policy that
 69 meets certain requirements; providing criminal
 70 penalties for failure to maintain such insurance
 71 policy; making technical changes; amending s. 327.352,
 72 F.S.; revising penalties for a person operating a
 73 vessel who fails to submit to a lawful test of his or
 74 her breath or urine; amending s. 327.395, F.S.;
 75 requiring that all persons, rather than only persons
 76 born on or after a specified date, have specified
 77 identification in their possession while operating a
 78 vessel; revising the required components of the Fish
 79 and Wildlife Conservation Commission's developed or
 80 approved boating safety education course and temporary
 81 certificate examination; amending s. 327.731, F.S.;
 82 revising the mandatory education requirements for a
 83 person convicted of certain violations; requiring the
 84 commission to adopt rules; making technical changes;
 85 amending s. 119.0712, F.S.; conforming a cross-
 86 reference; amending s. 921.0022, F.S.; ranking
 87 offenses on the offense severity ranking chart of the

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88 Criminal Punishment Code; conforming provisions to
 89 changes made by the act; reenacting s. 327.54(4),
 90 F.S., relating to liveries, to incorporate the
 91 amendment made to s. 327.395, F.S., in references
 92 thereto; providing effective dates.
 93

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

96 Section 1. Effective October 1, 2027, paragraph (d) of
 97 subsection (8) of section 322.051, Florida Statutes, is amended,
 98 and paragraph (f) is added to that subsection, to read:

99 322.051 Identification cards.—

100 (8)

101 (d) The department shall include symbols representing the
 102 following on an identification card upon the payment of an
 103 additional \$1 fee by an applicant who meets the requirements of
 104 subsection (1) and presents his or her:

- 105 1. Lifetime freshwater fishing license;
- 106 2. Lifetime saltwater fishing license;
- 107 3. Lifetime hunting license; or
- 108 4. Lifetime sportsman's license; ~~or~~
- 109 5. ~~Lifetime boater safety identification card.~~

110
 111 A person may replace his or her identification card before its
 112 expiration date with a card that includes his or her status as a
 113 lifetime licensee ~~or boater safety cardholder~~ upon surrender of
 114 his or her current identification card, payment of a \$2 fee to
 115 be deposited into the Highway Safety Operating Trust Fund, and
 116 presentation of the person's lifetime license ~~or card~~. If the

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sole purpose of the replacement identification card is the inclusion of the applicant's status as a lifetime licensee ~~or~~ ~~cardholder~~, the replacement identification card must be issued without payment of the fee required in s. 322.21(1)(f)3.c.

(f) The department shall issue an original, renewal, or replacement identification card, as applicable, which includes a symbol representing a lifetime boater safety identification card upon the applicant's presentation of his or her Florida boating safety identification card or shall provide a receipt of confirmation by the Fish and Wildlife Conservation Commission that the applicant was issued a Florida boating safety identification card. The department shall include the lifetime boater safety identification card symbol on an original, renewal, or replacement identification card with no additional fee to the applicant for the designation. If the sole purpose of a replacement identification card is the inclusion of the applicant's status as a lifetime boater safety cardholder, the replacement identification card must be issued without payment of the fee required by s. 322.21(1)(f).

Section 2. Effective October 1, 2027, present subsections (5) through (10) of section 322.08, Florida Statutes, are redesignated as subsections (6) through (11), respectively, and a new subsection (5) is added to that section, to read:

322.08 Application for license; requirements for license and identification card forms.—

(5) Each such application must indicate whether the applicant has obtained a Florida boating safety identification card pursuant to s. 327.395, and, if so, a copy of such card must be submitted with the application. For purposes of

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administering this subsection, the Fish and Wildlife Conservation Commission may provide to the department any record documenting the applicant's completion of a boating safety education course meeting the requirements of s. 327.395 or issuance of a Florida boating safety identification card.

Section 3. Effective October 1, 2027, paragraph (e) of subsection (1) of section 322.14, Florida Statutes, is amended, and paragraph (g) is added to that subsection, to read:

322.14 Licenses issued to drivers.—

(1)

(e) The department shall include symbols representing the following on a driver license upon the payment of an additional \$1 fee by an applicant who meets the requirements of s. 322.08 and presents his or her:

1. Lifetime freshwater fishing license;
2. Lifetime saltwater fishing license;
3. Lifetime hunting license; or
4. Lifetime sportsman's license; ~~or~~
5. ~~Lifetime boater safety identification card.~~

A person may replace his or her driver license before its expiration date with a license that includes his or her status as a lifetime licensee ~~or boater safety cardholder~~ upon surrender of his or her current driver license, payment of a \$2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of the person's lifetime license ~~or identification card~~. If the sole purpose of the replacement driver license is the inclusion of the applicant's status as a lifetime licensee ~~or cardholder~~, the replacement driver license

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must be issued without payment of the fee required in s. 322.21(1)(e).

(g) The department shall issue an original, renewal, or replacement driver license, as applicable, which includes a symbol representing a lifetime boater safety identification card upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Fish and Wildlife Conservation Commission that the applicant has been issued a Florida boating safety identification card. The department shall include the lifetime boater safety identification card symbol on an original, renewal, or replacement driver license with no additional fee to the applicant for the designation. If the sole purpose of a replacement driver license is the inclusion of the applicant's status as a lifetime boater safety cardholder, the replacement driver license must be issued without payment of the fee required by s. 322.21(1)(e).

Section 4. Paragraphs (a) and (b) of subsection (5) of section 327.30, Florida Statutes, are amended to read:

327.30 Collisions, accidents, and casualties.—

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

(a) A person who violates this subsection with respect to an accident resulting in:

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

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

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

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

(b) A person who willfully commits a violation of subparagraph (a)4. while boating under the influence as set forth in 327.35(1) must be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 5. Subsection (1) and paragraph (a) of subsection (3) of section 327.33, Florida Statutes, are amended to read:

327.33 Reckless or careless operation of vessel.—

(1) It is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person ~~commits is guilty of~~ reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.33(6). Except as provided in subsection (2), if a person violates this subsection and the violation:

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(a) Does not result in an accident, the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Results in an accident that causes damage to the property or person of another, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Results in an accident that causes serious bodily injury as defined in s. 316.192, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this paragraph, the term "serious bodily injury" means an injury to a person which creates a serious personal disfigurement or protracted loss or impairment of the function of a bodily member or organ.

(3) Each person operating a vessel upon the waters of this state shall comply with the navigation rules.

(a) A person who violates a the navigation rule ~~rules~~ and such the violation results in a boating accident causing serious bodily injury as defined in s. 327.353 or death, but the violation does not constitute reckless operation of a vessel, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Effective October 1, 2027, present subsection (10) of section 327.35, Florida Statutes, is redesignated as subsection (11), a new subsection (10) is added to that section, and subsections (1) through (6) of that section are amended, to read:

327.35 Boating under the influence; penalties; "designated drivers."—

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(1) A person commits is guilty of the offense of boating under the influence and is subject to punishment as provided in subsection (2) if the person is in physical control of operating a vessel within this state and any of the following applies:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired.†

(b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood.† ~~or~~

(c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), a any person who is convicted of a violation of subsection (1) is subject to the following ~~shall be punished~~:

1. ~~By~~ A fine of:

a. Not less than \$500 or more than \$1,000 for a first conviction.

b. Not less than \$1,000 or more than \$2,000 for a second conviction; and

2. ~~By~~ Imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

The clerk shall remit the portion of a fine imposed in excess of \$500 pursuant to sub-subparagraph 1.a. and the portion of a fine imposed in excess of \$1,000 pursuant to sub-subparagraph 1.b.† ~~shall be remitted by the clerk~~ to the Department of Revenue for deposit into the General Revenue Fund.

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291 (b)1. ~~A Any person who is~~ convicted of a third violation of
 292 this section for an offense that occurs within 10 years after a
 293 prior conviction for a violation of this section commits a
 294 felony of the third degree, punishable as provided in s.
 295 775.082, s. 775.083, or s. 775.084. In addition, if the
 296 convicted person qualifies for a permanent or restricted
 297 license, the court shall order the mandatory placement of an
 298 ignition interlock device approved by the department in
 299 accordance with s. 316.1938 upon all vehicles and vessels
 300 individually or jointly leased or owned and routinely operated
 301 by the convicted person. The ignition interlock device must be
 302 installed at the convicted person's sole expense for not less
 303 than 2 continuous years.

304 2. ~~A Any person who is~~ convicted of a third violation of
 305 this section for an offense that occurs more than 10 years after
 306 the date of a prior conviction for a violation of this section
 307 is subject to ~~shall be punished by~~ a fine of not less than
 308 \$2,000 or more than \$5,000 and by imprisonment for not more than
 309 12 months. The clerk shall remit the portion of a fine imposed
 310 in excess of \$2,500 pursuant to this subparagraph ~~shall be~~
 311 ~~remitted by the clerk~~ to the Department of Revenue for deposit
 312 into the General Revenue Fund. In addition, if the convicted
 313 person qualifies for a permanent or restricted license, the
 314 court shall order the mandatory placement of an ignition
 315 interlock device approved by the department in accordance with
 316 s. 316.1938 upon all vehicles and vessels individually or
 317 jointly leased or owned and routinely operated by the convicted
 318 person. The ignition interlock device must be installed at the
 319 convicted person's sole expense for not less than 2 continuous

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320 years.

321 3. Any person ~~who is~~ convicted of a fourth or subsequent
 322 violation of this section, regardless of when any prior
 323 conviction for a violation of this section occurred, commits a
 324 felony of the third degree, punishable as provided in s.
 325 775.082, s. 775.083, or s. 775.084.

326 However, the fine imposed for such fourth or subsequent
 327 violation may not be less than \$2,000. The clerk shall remit the
 328 portion of such fine imposed in excess of \$1,000 shall be
 329 remitted by the clerk to the Department of Revenue for deposit
 330 into the General Revenue Fund. In addition to the penalties
 331 specified in paragraph (a), the court may order the placement of
 332 an ignition interlock device approved by the department in
 333 accordance with s. 316.1938 upon all vehicles and vessels
 334 individually or jointly leased or owned and routinely operated
 335 by the convicted person if, at the time of the offense, the
 336 person had a blood-alcohol level or breath-alcohol level of 0.08
 337 or higher. The ignition interlock device must be installed at
 338 the convicted person's sole expense for not less than 6
 339 continuous months.

341 (3) (a) ~~A Any person who:~~

342 1. Violates ~~Who is in violation of~~ subsection (1);

343 2. ~~Who~~ Operates a vessel; and

344 3. ~~Who,~~ By reason of such operation, causes or contributes
 345 to causing:

346 a. Damage to the property or person of another commits a
 347 misdemeanor of the first degree, punishable as provided in s.
 348 775.082 or s. 775.083.

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349 b. Serious bodily injury to another, as defined in s.
 350 327.353, commits a felony of the third degree, punishable as
 351 provided in s. 775.082, s. 775.083, or s. 775.084.

352 c. The death of a ~~any~~ human being, or ~~an~~ unborn child as
 353 defined in s. 775.021(5), commits BUI manslaughter, and commits:
 354 (I) A felony of the second degree, punishable as provided
 355 in s. 775.082, s. 775.083, or s. 775.084.

356 (II) A felony of the first degree, punishable as provided
 357 in s. 775.082, s. 775.083, or s. 775.084, if:
 358 (A) At the time of the accident, the person knew, or should
 359 have known, that the accident occurred; and
 360 (B) The person failed to give information and render aid as
 361 required by s. 327.30.

362

363 A person convicted of BUI manslaughter must be sentenced to a
 364 mandatory term of imprisonment of 4 years. Sub-subparagraph 3.c.
 365 This sub-sub-subparagraph does not require that the person knew
 366 that the accident resulted in injury or death.

367 (III) A felony of the first degree, punishable as provided
 368 in s. 775.082, s. 775.083, or s. 775.084, if the person has a
 369 prior conviction under this sub-subparagraph, s.
 370 316.193(3)(c)3., s. 782.071, or s. 782.072.

371 (b) A person ~~who is~~ convicted of BUI manslaughter must
 372 ~~shall~~ be sentenced to a mandatory minimum term of imprisonment
 373 of 4 years.

374 (4) A ~~Any~~ person ~~who is~~ convicted of violating a violation
 375 ~~of~~ subsection (1) ~~and~~ who has a blood-alcohol level or breath-
 376 alcohol level of 0.15 or higher, or any person ~~who is~~ convicted
 377 of violating a violation ~~of~~ subsection (1) ~~and~~ who at the time

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378 of the offense was accompanied in the vessel by a person under
 379 ~~the age of 18 years of age, is subject to shall be punished:~~

380 (a) ~~By~~ A fine of:
 381 1. Not less than \$1,000 or more than \$2,000 for a first
 382 conviction.
 383 2. Not less than \$2,000 or more than \$4,000 for a second
 384 conviction.
 385 3. Not less than \$4,000 for a third or subsequent
 386 conviction.

387 (b) ~~By~~ Imprisonment for:
 388 1. Not more than 9 months for a first conviction.
 389 2. Not more than 12 months for a second conviction.

390 (c) In addition to the penalties provided in paragraphs (a)
 391 and (b), the mandatory placement of an ignition interlock device
 392 as ordered by the court and approved by the department in
 393 accordance with s. 316.1938 upon all vehicles and vessels that
 394 are individually or jointly leased or owned and routinely
 395 operated by the convicted person, when the convicted person
 396 qualifies for a permanent or restricted license. The ignition
 397 interlock device must be installed at the convicted person's
 398 sole expense for not less than 6 continuous months for the first
 399 offense and for not less than 2 continuous years for a second
 400 offense.

401

402 The clerk shall remit the portion of a fine imposed in excess of
 403 \$1,000 pursuant to subparagraph (a)1. and the portion of a fine
 404 imposed in excess of \$2,000 pursuant to subparagraph (a)2. or
 405 subparagraph (a)3., ~~shall be remitted by the clerk to the~~
 406 Department of Revenue for deposit into the General Revenue Fund.

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For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

(5) In addition to any sentence or fine, the court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course specified by the court, ~~and~~

(a) The agency conducting the substance abuse course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, which must include a psychosocial evaluation of the offender, in addition to any sentence or fine imposed under this section. If the agency conducting the substance abuse course makes such a referral in addition to any sentence or fine imposed under this section, the completion of all such education, evaluation, and treatment is a condition of reporting probation. The offender shall assume reasonable costs for such education, evaluation, and treatment, ~~with completion of all such education, evaluation, and treatment being a condition of reporting probation.~~ A referral to treatment resulting from a psychosocial evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider agency appointed by the court. The provider must be provided access to the agency's substance abuse course's psychosocial evaluation before the independent psychosocial evaluation is conducted and with access to the original evaluation. The offender shall bear the cost of this procedure. The court shall review the results and recommendations of both evaluations before determining the request for a waiver.

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(b) If an offender is referred to treatment under this subsection and he or she fails to report for or complete such treatment or fails to complete the agency's substance abuse education course and evaluation, the agency must notify the court and the department of the failure. Upon receipt of the notice, the department must cancel the offender's driving privilege, notwithstanding the terms of the court order or any suspension or revocation of the driving privilege. The department may temporarily reinstate the driving privilege on a restricted basis upon verification from the agency that the offender is currently participating in treatment and that both the substance abuse education course and evaluation requirement have been completed. If the agency notifies the department of a second failure to complete treatment, the department may reinstate the driving privilege only after notice of completion of treatment from the agency.

(c) An agency that conducts an offender's substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department, in accordance with department rule, determines that the service provider conducting the substance abuse education and evaluation is the most appropriate service provider and is licensed under chapter 397 or is exempt from such licensure. Organizations authorized to provide services under this section must submit quarterly statistical referral reports to the department.

(d) As used in this subsection, the term "substance abuse" means the abuse of alcohol or any substance named or described

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in Schedules I-V of s. 893.03.

(6) With respect to a ~~any~~ person convicted of violating a violation of subsection (1), regardless of any other penalty imposed:

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. The court must also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 days or for the unexpired term of any lease or rental agreement that expires within 10 days. The impoundment or immobilization may ~~must~~ not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph (g). The total period of probation and incarceration may not exceed 1 year.

(b) For the second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. The court may order a defendant to pay a fine of \$10 for each hour of public service or community work otherwise required only if the court finds that the residence or location of the defendant at the time public service or community work is required or the defendant's employment obligations would create an undue hardship for the

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defendant. However, the total period of probation and incarceration may not exceed 1 year. The court shall ~~must~~ also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 ~~30~~ days or for the unexpired term of any lease or rental agreement that expires within 10 ~~30~~ days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph (g). At least 48 hours of confinement must be consecutive.

(c) For the third or subsequent conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. The court shall ~~must~~ also, as a condition of probation, order the impoundment or immobilization of the vessel that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 90 days or for the unexpired term of any lease or rental agreement that expires within 90 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), ~~or~~ paragraph (f), or paragraph (g). At least 48 hours of confinement must be consecutive.

(d) The court shall ~~must~~ at the time of sentencing the

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defendant issue an order for the impoundment or immobilization of a vessel. Within 7 business days after the date that the court issues the order of impoundment, and once again 30 business days before the actual impoundment or immobilization of the vessel, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of each vessel, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vessel.

(e) A person who owns but was not operating the vessel when the offense occurred may submit to the court a police report indicating that the vessel was stolen at the time of the offense or documentation of having purchased the vessel after the offense was committed from an entity other than the defendant or the defendant's agent. If the court finds that the vessel was stolen or that the sale was not made to circumvent the order and allow the defendant continued access to the vessel, the order must be dismissed and the owner of the vessel will incur no costs. If the court denies the request to dismiss the order of impoundment or immobilization, the petitioner may request an evidentiary hearing.

(f) A person who owns but was not operating the vessel when the offense occurred, and whose vessel was stolen or who purchased the vessel after the offense was committed directly from the defendant or the defendant's agent, may request an evidentiary hearing to determine whether the impoundment or immobilization should occur. If the court finds that either the vessel was stolen or the purchase was made without knowledge of the offense, that the purchaser had no relationship to the

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defendant other than through the transaction, and that such purchase would not circumvent the order and allow the defendant continued access to the vessel, the order must be dismissed and the owner of the vessel will incur no costs.

(g) All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vessel or, if the vessel is leased or rented, by the person leasing or renting the vessel, unless the impoundment or immobilization order is dismissed.

(h) The person who owns a vessel that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vessel and who has not requested a review of the impoundment pursuant to paragraph (e) or paragraph (f), may, within 10 days after the date that person has knowledge of the location of the vessel, file a complaint in the county in which the owner resides to determine whether the vessel was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vessel released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of the costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vessel. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vessel or to the contents of the vessel.

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581 (i) A defendant, in the court's discretion, may be required
 582 to serve all or any portion of a term of imprisonment to which
 583 the defendant has been sentenced pursuant to this section in a
 584 residential alcoholism treatment program or a residential drug
 585 abuse treatment program. Any time spent in such a program must
 586 be credited by the court toward the term of imprisonment.

587
 588 For the purposes of this section, any conviction for a violation
 589 of s. 316.193, a previous conviction for the violation of former
 590 s. 316.1931, former s. 860.01, or former s. 316.028, or a
 591 previous conviction outside this state for driving under the
 592 influence, driving while intoxicated, driving with an unlawful
 593 blood-alcohol level, driving with an unlawful breath-alcohol
 594 level, or any other similar alcohol-related or drug-related
 595 traffic offense, is also considered a previous conviction for
 596 violation of this section.

597 (10) Notwithstanding any sentence or fine imposed by law or
 598 the court, a person convicted of violating subsection (1) and
 599 one or more additional criminal violations under this chapter,
 600 whether arising from the same incident or from other incidents
 601 occurring within the 12 months preceding the violation of
 602 subsection (1), must maintain an insurance policy insuring
 603 against loss from liability for bodily injury, death, and
 604 property damage arising out of the ownership, maintenance, or
 605 use of a vessel. Such insurance policy must contain limits of
 606 not less than \$100,000 for bodily injury liability or death and
 607 \$50,000 for property damage. A person who operates a vessel
 608 without such insurance policy commits a misdemeanor of the
 609 second degree, punishable as provided in s. 775.082 or s.

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610 775.083.

611 Section 7. Effective October 1, 2027, paragraph (a) of
 612 subsection (1) of section 327.352, Florida Statutes, is amended
 613 to read:

614 327.352 Tests for alcohol, chemical substances, or
 615 controlled substances; implied consent; refusal.—

616 (1)(a)1. The Legislature declares that the operation of a
 617 vessel is a privilege that must be exercised in a reasonable
 618 manner. In order to protect the public health and safety, it is
 619 essential that a lawful and effective means of reducing the
 620 incidence of boating while impaired or intoxicated be
 621 established. Therefore, a person who accepts the privilege
 622 extended by the laws of this state of operating a vessel within
 623 this state is, by operating such vessel, deemed to have given
 624 his or her consent to submit to an approved chemical test or
 625 physical test including, but not limited to, an infrared light
 626 test of his or her breath for the purpose of determining the
 627 alcoholic content of his or her blood or breath if the person is
 628 lawfully arrested for any offense allegedly committed while the
 629 person was operating a vessel while under the influence of
 630 alcoholic beverages. The chemical or physical breath test must
 631 be incidental to a lawful arrest and administered at the request
 632 of a law enforcement officer who has reasonable cause to believe
 633 such person was operating the vessel within this state while
 634 under the influence of alcoholic beverages. The administration
 635 of a breath test does not preclude the administration of another
 636 type of test. The person must ~~shall~~ be told that his or her
 637 failure to submit to a ~~any~~ lawful test of his or her breath
 638 under this chapter will result in a suspension of the person's

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privilege to operate a vessel for a period of 1 year for a first refusal or for a period of 18 months if his or her privilege to operate a vessel has been previously suspended or if he or she has been fined for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 316. The person must also be told civil penalty of \$500, and that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, under this chapter or chapter 316, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement

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officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test must be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person must ~~shall~~ be told that his or her failure to submit to a ~~any~~ lawful test of his or her urine under this chapter will result in suspension of the person's privilege to operate a vessel for a period of 1 year for the first refusal, or for a period of 18 months if his or her privilege to operate a vessel or to operate a vehicle has been previously suspended under s. 327.35215 or chapter 316. The person must also be told a civil penalty of \$500, and that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or his or her driving privilege has been previously suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

Section 8. Subsections (1), (2), and (4) of section 327.395, Florida Statutes, are amended to read:

327.395 Boating safety education.—

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697 (1) Effective July 1, 2028, a person operating ~~born on or~~
 698 ~~after January 1, 1988, may not operate~~ a vessel powered by a
 699 motor of 10 horsepower or greater must have ~~unless such person~~
 700 ~~has~~ in his or her possession aboard the vessel the documents
 701 required by subsection (2).

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

713 (a) Completed a commission-approved boating safety
 714 education course that meets the minimum requirements established
 715 by the National Association of State Boating Law
 716 Administrators.~~+~~

717 (b) Passed a temporary certificate examination developed or
 718 approved by the commission.~~+~~

719 (c) Obtained a valid International Certificate of
 720 Competency.~~+~~~~or~~

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

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726 (4) A commission-approved boating safety education course
 727 or temporary certificate examination developed or approved by
 728 the commission must include components regarding all of the
 729 following:

730 (a) Diving vessels, awareness of divers in the water,
 731 divers-down warning devices, and the requirements of s. 327.331.

732 (b) The danger associated with:

733 1. A passenger riding on a seat back, gunwale, transom,
 734 bow, motor cover, or any other vessel area not designed and
 735 designated by the manufacturer for seating.

736 2. A passenger falling overboard.

737 3. Operating a vessel with a person in the water near the
 738 vessel.

739 4. Starting a vessel with the engine in gear.

740 5. Leaving the vessel running when a passenger is boarding
 741 or disembarking.

742 6. Boating under the influence in violation of s. 327.35.

743 (c) The proper use and lifesaving benefits of an engine
 744 cutoff switch for motorboats and personal watercraft.

745 (d) Human trafficking awareness.

746

747 The commission must include the components under this subsection
 748 in boating safety education campaigns and in educational
 749 materials produced by the commission, as appropriate.

750 Section 9. Subsections (1), (3), (4) and (5) of section
 751 327.731, Florida Statutes, are amended to read:

752 327.731 Mandatory education for violators.—

753 (1) A person convicted of a noncriminal infraction as
 754 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y)

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must do all of the following:

(a) Enroll in, attend, and successfully complete, at his or her own expense, one of the following courses, as applicable:

1. For a person convicted of any two noncriminal infractions within a 24-month period, the boating safety education course provided for in s. 327.395.

2. For a person convicted of a criminal violation, of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or of three or more noncriminal infractions within a 36-month period, the boating safety education course provided for in s. 327.395 and a 4-hour course that includes information regarding all of the following:

a. The boating laws of this state.

b. Causes and prevention of boating accidents.

c. The importance of wearing personal flotation devices.

d. The use of common sense and common courtesy while operating a vessel.

e. How to operate a vessel defensively. ~~a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule,~~

(b) File with the commission within 90 days proof of successful completion of the course, ~~and~~

(c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission.

(3) As used in ~~For the purposes of~~ this section, the terms "convicted" and "conviction" mean means a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, regardless of whether ~~or not~~ adjudication was withheld or

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whether imposition of sentence was withheld, deferred, or suspended. ~~A Any~~ person who operates a vessel on the waters of this state in violation of ~~the provisions of~~ this section ~~commits is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) The commission shall print on the reverse side of the defendant's copy of the boating citation a notice of the provisions of this section. Upon conviction, the clerk of the court shall notify the defendant that it is unlawful for him or her to operate any vessel until he or she has complied with this section, but failure of the clerk of the court to provide such a notice ~~is~~ shall not be a defense to a charge of unlawful operation of a vessel under subsection (3).

(5) The commission shall:

(a) Maintain a program to ensure compliance with the mandatory boating safety education requirements under this section. This program must:

1.~~(a)~~ Track any citations resulting in a conviction under this section and the disposition of such citations; ~~and-~~

2.~~(b)~~ Send specific notices to each person subject to the requirement for mandatory boating safety education.

(b) Adopt rules necessary to implement this section.

Section 10. Effective October 1, 2027, paragraph (c) of subsection (2) of section 119.0712, Florida Statutes, is amended to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

(c) E-mail addresses collected by the Department of Highway

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813 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
 814 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s.
 815 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 816 exemption applies retroactively.

817 Section 11. Paragraph (f) of subsection (3) of section
 818 921.0022, Florida Statutes, is amended to read:

819 921.0022 Criminal Punishment Code; offense severity ranking
 820 chart.—

821 (3) OFFENSE SEVERITY RANKING CHART

822 (f) LEVEL 6

823

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
<u>327.33(3)(a)</u>	<u>3rd</u>	<u>Vessel accidents causing</u>

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serious bodily injury or
death but not reckless
operation of a vessel.

829 400.9935(4)(c) 2nd Operating a clinic, or
 offering services
 requiring licensure,
 without a license.

830 499.0051(2) 2nd Knowing forgery of
 transaction history,
 transaction information,
 or transaction
 statement.

831 499.0051(3) 2nd Knowing purchase or
 receipt of prescription
 drug from unauthorized
 person.

832 499.0051(4) 2nd Knowing sale or transfer
 of prescription drug to
 unauthorized person.

833 775.0875(1) 3rd Taking firearm from law
 enforcement officer.

834 784.021(1)(a) 3rd Aggravated assault;
 deadly weapon without

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	36-00968-26		2026900	intent to kill.
835				
	784.021 (1) (b)	3rd		Aggravated assault; intent to commit felony.
836				
	784.041	3rd		Felony battery; domestic battery by strangulation.
837				
	784.048 (3)	3rd		Aggravated stalking; credible threat.
838				
	784.048 (5)	3rd		Aggravated stalking of person under 16.
839				
	784.07 (2) (c)	2nd		Aggravated assault on law enforcement officer.
840				
	784.074 (1) (b)	2nd		Aggravated assault on sexually violent predators facility staff.
841				
	784.08 (2) (b)	2nd		Aggravated assault on a person 65 years of age or older.
842				
	784.081 (2)	2nd		Aggravated assault on specified official or

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843				
	784.082 (2)	2nd		Aggravated assault by detained person on visitor or other detainee.
844				
	784.083 (2)	2nd		Aggravated assault on code inspector.
845				
	787.02 (2)	3rd		False imprisonment; restraining with purpose other than those in s. 787.01.
846				
	787.025 (2) (a)	3rd		Luring or enticing a child.
847				
	790.115 (2) (d)	2nd		Discharging firearm or weapon on school property.
848				
	790.161 (2)	2nd		Make, possess, or throw destructive device with intent to do bodily harm or damage property.
849				
	790.164 (1)	2nd		False report concerning bomb, explosive, weapon

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of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

850

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

851

794.011(8) (a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

852

794.05(1)

2nd

Unlawful sexual activity
with specified minor.

853

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.

854

800.04(6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

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855

806.031(2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other
person.

856

810.02(3) (c)

2nd

Burglary of occupied
structure; unarmed; no
assault or battery.

857

810.145(8) (b)

2nd

Digital voyeurism;
certain minor victims;
2nd or subsequent
offense.

858

812.014(2) (b)1.

2nd

Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

859

812.014(2) (c)5.

3rd

Grand theft; third
degree; firearm.

860

812.014(6)

2nd

Theft; property stolen
\$3,000 or more;
coordination of others.

861

812.015(9) (a)

2nd

Retail theft; property
stolen \$750 or more;

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				second or subsequent conviction.
862	812.015(9)(b)	2nd		Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
863	812.015(9)(d)	2nd		Retail theft; multiple thefts within specified period.
864	812.015(9)(e)	2nd		Retail theft; committed with specified number of other persons and use of social media platform.
865	812.13(2)(c)	2nd		Robbery, no firearm or other weapon (strong-arm robbery).
866	817.4821(5)	2nd		Possess cloning paraphernalia with intent to create cloned cellular telephones.
867	817.49(2)(b)2.	2nd		Willful making of a false report of a crime

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				resulting in death.
868	817.505(4)(b)	2nd		Patient brokering; 10 or more patients.
869	817.5695(3)(b)	2nd		Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
870	825.102(1)	3rd		Abuse of an elderly person or disabled adult.
871	825.102(3)(c)	3rd		Neglect of an elderly person or disabled adult.
872	825.1025(3)	3rd		Lewd or lascivious molestation of an elderly person or disabled adult.
873	825.103(3)(c)	3rd		Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
874				

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875	827.03(2)(c)	3rd	Abuse of a child.	
876	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.	
877	828.126(3)	3rd	Sexual activities involving animals.	
878	836.05	2nd	Threats; extortion.	
879	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.	
880	843.12	3rd	Aids or assists person to escape.	
881	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene	

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			materials depicting minors.	
882	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.	
883	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	
884	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.	
885	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	
886	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.	
887				

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888 944.35(3)(a)2. 3rd Committing malicious
battery upon or
889 inflicting cruel or
944.40 2nd Escapes.
890 944.46 3rd Harboring, concealing,
aiding escaped
891 944.47(1)(a)5. 2nd Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
892 facility.
893 951.22(1)(i) 3rd Firearm or weapon
introduced into county
894 detention facility.

895 Section 12. For the purpose of incorporating the amendment
896 made by this act to section 327.395, Florida Statutes, in a
reference thereto, subsection (4) of section 327.54, Florida
Statutes, is reenacted to read:

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897 327.54 Liveries; safety regulations; penalty.-
898 (4) A livery may not knowingly lease or rent a vessel to a
899 person who is required to comply with s. 327.395 unless such
900 person presents to the livery the documentation required by s.
901 327.395(2) for the operation of a vessel or meets the exemption
902 provided under s. 327.395(6)(f).
903 Section 13. Except as otherwise expressly provided in this
904 act, this act shall take effect July 1, 2026.

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 928

INTRODUCER: Senator Martin

SUBJECT: Mandatory Remand to Custody upon Conviction of Dangerous Crimes

DATE: January 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			RC	

I. Summary:

SB 928 creates s. 903.0472, F.S., to require a court to remand a person found guilty of a dangerous crime to custody immediately. Such person must remain in custody pending sentencing or further proceedings without the possibility of release on bond.

Additionally, a court may not grant postconviction bond or other release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime.

This provision applies regardless of whether the person intends to appeal or has filed a notice of appeal. However it does not apply if the finding of guilt that formed the basis of the remand has been:

- Vacated;
- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified.

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

The bill takes effect on July 1, 2026.

II. Present Situation:

Post Conviction Relief

A person in custody may seek relief if they believe their judgment of conviction or sentence was imposed in violation of the U.S. Constitution or the laws of Florida. Either the defendant or the

state may seek review in the next higher state court of a trial court's ruling on a collateral relief motion, and in non-capital cases there is no right to appointed counsel for such proceedings.¹

The procedural framework for post-conviction relief is governed largely by the Florida Rules of Criminal Procedure which permits motions to vacate, set aside, or correct a sentence on constitutional or legal grounds and generally must be filed within two years after the judgment and sentence become final.² This combination of statute and rules forms the core mechanism by which convicted persons in Florida can pursue collateral challenges to their convictions and sentences after direct appeal.

Bail on appeal – Supersedeas bond

In Florida, there is no general statutory right to bail or bond simply because a person has filed a post-conviction relief motion (e.g., a Rule 3.850 motion or similar collateral challenge); post-conviction motions themselves do not automatically entitle a convicted person to release on bond while the motion or appeal is pending.³

No person may be admitted to bail upon appeal from a conviction of a felony unless the defendant establishes that the appeal is taken in good faith, on grounds fairly debatable, and not frivolous. In no case will bail be granted if such person has previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony, and such person's civil rights have not been restored or if other felony charges are pending against the person and probable cause has been found that the person has committed the felony or felonies at the time the request for bail is made.⁴

In no case may an original appearance bond be continued for the appeal. To reflect the increased risk and probability of longer time considerations, there shall be a new undertaking of a bond for the appeal.⁵

If a person admitted to bail on appeal commits and is convicted of a separate felony while free on appeal, the bail on appeal must be revoked and the defendant committed.⁶

A trial or appellate court is permitted to exercise discretion to release a defendant after conviction and pending review of the conviction or sentence including appeal for non-capital offenses for which bail is not prohibited, and the court may require written findings and set conditions of release.⁷

Pretrial Release

¹ Section 924.066, F.S.

² Fla. R. Crim. P. 3.850

³ Fla. R. Crim. P. 3.850

⁴ Section 903.132, F.S.

⁵ Section 903.132(3), F.S.

⁶ Section 903.131, F.S.

⁷ Fla. R. Crim. P. 3.691; See also *Younghans v. State*, 90 So. 2d 308 (Fla. 1956) ("All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great.").

Bail and Surety Bond

The purpose of a bail determination in criminal proceedings is to ensure the appearance of a defendant at subsequent proceedings and to protect the community against unreasonable danger from the defendant.⁸ For the defendant to be released from jail, a court may require bail by a defendant to provide security, such as cash or a bond to ensure that he or she will return for trial and any other required court appearances.⁹

As an alternative to posting the entire bail amount, a defendant may provide a criminal surety bail bond¹⁰ executed by a bail bond agent. A cash bond is paid directly to the court for the total amount of the bond, in cash. If the arrestee does not appear after posting a cash bond, the money will be forfeited. After the final disposition of the case, bond money will be refunded, minus any unpaid court fees, costs, and criminal penalties.¹¹

Bail determination – Pretrial Release

When determining whether to release a defendant on bail or other conditions and what that bail or those conditions may be, the court shall consider:¹²

- The nature and circumstances of the offense charged.
- The weight of the evidence against the defendant.
- The defendant's family ties, length of residence in the community, employment history, financial resources, and mental condition.
- The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution or failure to appear at court proceedings.
- The nature and probability of danger which the defendant's release poses to the community.
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The burden of establishing the noninvolvement in or nonderivative from criminal or other illicit activity of such proffered funds, real property, property, or any proposed collateral or bond premium falls upon the defendant or other person proffering them to obtain the defendant's release.
- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.
- The street value of any drug or controlled substance connected to or involved in the criminal charge.
- The nature and probability of intimidation and danger to victims.
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.

⁸ Section 903.046(1), F.S.

⁹ *Universal Bail Bonds v. State*, 929 So.2d 697, 699 (Fla. 3d DCA 2006).

¹⁰ Sections 903.011 and 903.105, F.S.

¹¹ Office of Program Policy Analysis and Government Accountability, County Pretrial Release Programs: Calendar Year 2021, Report No. 22-09 at 2 (December 2022) available at <https://oppaga.fl.gov/Documents/Reports/22-09.pdf> (last visited January 8, 2026).

¹² Section 903.046, F.S.

- Whether the crime charged is a violation of ch. 874, F.S.,¹³ or alleged to be subject to enhanced punishment under ch. 874, F.S., or reclassification under s. 843.22, F.S.¹⁴
- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under ch. 316, F.S., is required to register as a sexual offender or a sexual predator.¹⁵
- Any other facts that the court considers relevant.¹⁶

The Legislature has created a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. A “dangerous crime” means any of the following:¹⁷

- Arson;
- Aggravated assault;
- Aggravated battery;
- Illegal use of explosives;
- Child abuse or aggravated child abuse;
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
- Aircraft piracy;
- Kidnapping;
- Homicide;
- Manslaughter;
- Sexual battery;
- Robbery;
- Carjacking;
- Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
- Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
- Burglary of a dwelling;
- Stalking and aggravated stalking;
- Acts of domestic violence;
- Home invasion robbery;
- Act of terrorism;
- Manufacturing any substances;
- Attempting or conspiring to commit any such crime; and
- Human trafficking.

¹³ Chapter 874 refers to gang-related offenses and criminal gang activity.

¹⁴ Section 903.046(2)(l), F.S., If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or reclassification, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

¹⁵ Section 903.046(2)(m), F.S. Such offender is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.

¹⁶ Section 903.046(2)(a)-(m), F.S.

¹⁷ Section 907.041, F.S.

III. Effect of Proposed Changes:

The bill names the Act “Missy’s Law.”

A court must remand a person found guilty of a dangerous crime to custody. Such person must remain in custody pending sentencing or further proceedings without the possibility of release on bond.

A court may not grant postconviction bond or other release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime.

This provision applies regardless of whether the person intends to appeal or has filed a notice of appeal, however it does not apply if the finding of guilt that formed the basis of the remand has been:

- Vacated;
- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified.

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 requires mandatory remand for anyone convicted of a specified dangerous offense. The bill may have a positive indeterminate bed impact (unquantifiable increase bed impact) on the local correctional institutions.

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 creates section 903.0472 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.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 38 and 39
insert:

Section 3. Paragraph (a) of subsection (5) of section
907.041, Florida Statutes, is amended to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(a) As used in this subsection, “dangerous crime” means any
of the following:



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1. Arson;
2. Aggravated assault;
3. Aggravated battery;
4. Illegal use of explosives;
5. Child abuse or aggravated child abuse;
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
7. Aircraft piracy;
8. Kidnapping;
9. Homicide;
10. Manslaughter, including DUI manslaughter and BUI manslaughter;
11. Sexual battery;
12. Robbery;
13. Carjacking;
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
16. Burglary of a dwelling;
17. Stalking and aggravated stalking;
18. Act of domestic violence as defined in s. 741.28;
19. Home invasion robbery;
20. Act of terrorism as defined in s. 775.30;
21. Manufacturing any substances in violation of chapter 893;
22. ~~Attempting or conspiring to commit any such crime;~~
23. Human trafficking;



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23.24. Trafficking in any controlled substance described in
s. 893.135(1)(c)4.;

24.25. Extortion in violation of s. 836.05; ~~and~~

25.26. Written threats to kill in violation of s. 836.10;

26. Any violation related to computer pornography or child
exploitation as described in s. 847.0135; and

27. Attempting or conspiring to commit any such crime.

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

And the title is amended as follows:

Delete line 11

and insert:

dangerous crime; providing applicability; amending s.
907.041, F.S.; revising the definition of "dangerous
crime" for purposes of pretrial detention; providing
an

By Senator Martin

33-01138-26

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A bill to be entitled

An act relating to mandatory remand to custody upon conviction of dangerous crimes; providing a short title; creating s. 903.0472, F.S.; requiring a court to remand a person found guilty of a dangerous crime to custody immediately; requiring such person to remain in custody pending sentencing or further proceedings without the possibility of release on bond; prohibiting a court from granting postconviction bond or other release for a person found guilty of a dangerous crime; providing applicability; providing an effective date.

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

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

Section 2. Section 903.0472, Florida Statutes, is created to read:

903.0472 Mandatory remand to custody upon conviction of dangerous crimes.-

(1) Notwithstanding any provision in this chapter to the contrary, upon a finding of guilt of any person of a dangerous crime as defined in s. 907.041(5)(a), the court shall remand the person to custody immediately, and the person shall remain in custody pending sentencing or further proceedings without the possibility of release on bond.

(2) A court may not grant postconviction bond or other release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous

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

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crime as defined in s. 907.041(5)(a).

(3) This section applies regardless of whether the person intends to appeal or has filed a notice of appeal.

(4) This section does not apply if the finding of guilt that formed the basis of the remand has been:

(a) Vacated;

(b) Reversed on appeal;

(c) Set aside by judgment of acquittal; or

(d) Otherwise nullified.

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
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 1084

INTRODUCER: Senator DiCeglie

SUBJECT: Public Records/State Attorney's Office and Office of Statewide Prosecution Nonlegal Support Staff

DATE: January 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 1084 exempts certain identifying and location information of current state attorney's office or Office of Statewide Prosecution nonlegal support staff from public records copying and inspection requirements. The bill defines "state attorney's office or Office of Statewide Prosecution nonlegal support staff" as specified employment class codes.

The bill exempts from public disclosure the following information:

- Home addresses, telephone numbers, dates of birth, and photographs of current state attorney's office or Office of Statewide Prosecution nonlegal support staff;
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current state attorney's office or Office of Statewide Prosecution nonlegal support staff;
- Names and locations of schools and day care facilities attended by the children of current legal assistants.

This exemption applies to information held by an agency before, on, or after October 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

The bill creates a new public records exemption and, therefore, requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on October 1, 2026.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), “home addresses” is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, “telephone numbers” is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally, exemptions typically include the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include, but are not limited to, sworn law enforcement personnel and active or former civilian personnel employed by a law enforcement agency;¹⁶ current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;¹⁷ current or former state attorneys;¹⁸ current or former public defenders;¹⁹ county tax collectors;²⁰ and clerks of a circuit court.²¹ Judicial assistants, meaning a court employee assigned to certain class codes,²² are afforded the same protections.²³

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers²⁴ and county tax collectors²⁵ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.²⁶

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.²⁷

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²⁸ Home

¹⁶ Section 119.071(4)(d)2.a., F.S. This would presumably include elected law enforcement officers such as sheriffs.

¹⁷ Section 119.071(4)(d)2.e., F.S.

¹⁸ Section 119.071(4)(d)2.f., F.S.

¹⁹ Section 119.071(4)(d)2.l., F.S.

²⁰ Section 119.071(4)(d)2.n., F.S.

²¹ Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

²² "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 9310, 8320.

Section 119.071(4)(d)1.b., F.S.

²³ Section 119.071(4)(d)2.e.-f., F.S.

²⁴ See s. 192.001(3), F.S.

²⁵ See s. 192.001(4), F.S.

²⁶ Section 119.071(4)(d)4., F.S.

²⁷ Section 119.071(4)(d)3., F.S.

²⁸ Section 119.071(4)(d)6., F.S.

addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²⁹ or upon his or her death.³⁰

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³¹ (the act), prescribe a legislative review process for newly created or substantially amended³² public records or open meetings exemptions, with specified exceptions.³³ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.³⁴ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁵ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;³⁶
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁷ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁸

The Act also requires specified questions to be considered during the review process.³⁹ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

²⁹ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

³⁰ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." See s. 28.222(2), F.S.

³¹ Section 119.15, F.S.

³² An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³³ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³⁴ Section 119.15(3), F.S.

³⁵ Section 119.15(6)(b), F.S.

³⁶ Section 119.15(6)(b)1., F.S.

³⁷ Section 119.15(6)(b)2., F.S.

³⁸ Section 119.15(6)(b)3., F.S.

³⁹ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.⁴⁰ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁴¹

III. Effect of Proposed Changes:

The bill exempts certain identifying and location information of current state attorney's office or Office of Statewide Prosecution nonlegal support staff from public records copying and inspection requirements. The bill defines "state attorney's office or Office of Statewide Prosecution nonlegal support staff" as the following specified employment class codes:

- Clerical Specialist I-V; 6031-6035
- Executive Legal Assistant I-II; 6141-6142
- Legal Assistant I-V; 6151-6155
- Paralegal Specialist I-III; 6161-6163
- Prosecution Support Specialist I-IV; 6171-6174
- Support Staff Director; 6180
- Fiscal Administrator I-IV; 6211-6214
- Fiscal Director; 6215
- Community Program/Outreach Director I-II; 6326-6327
- Public Information Office I-II; 6331-6332
- Unit Supervisor III; 6333
- Administrator I-V; 6341-6345
- Office Manager I-II; 6349-6350
- Human Resource Specialist I-III; 6391-6393
- Human Resource Director; 6395
- Data Entry Specialist I-III; 6407-6409
- Multimedia Specialist I-II; 6417-6418
- IT Specialist I-IV; 6441-6444
- IT Systems Administrator I-III; 6491-6493
- Information Technology Director; 6495
- Victim Advocate I-II; 6531-6532
- Special Victim Advocate I-II; 6533-6534
- Victim/Witness Specialist I-V; 6541-6545
- Victim Services Director; 6549
- 6561 Witness Coordinator I-IV; 6561-6564
- Witness Coordinator Director; 6566

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- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

⁴⁰ See generally s. 119.15, F.S.

⁴¹ Section 119.15(7), F.S.

- Child Support Enforcement Specialist I-III; 6571-6573
- Process Server I-II - Over Million; 6615-6616
- Executive Director - Over Million; 6801
- Legal Intern I-II; 6909-6910
- Certified Legal Intern; 6911

The bill exempts from public disclosure the following information:

- Home addresses, telephone numbers, dates of birth, and photographs of current state attorney's office or Office of Statewide Prosecution nonlegal support staff;
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current state attorney's office or Office of Statewide Prosecution nonlegal support staff;
- Names and locations of schools and day care facilities attended by the children of current legal assistants.

This exemption applies to information held by an agency before, on, or after October 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

Additionally, the bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides such personal information can be used as a tool to perpetrate fraud against an individual or to acquire sensitive personal, financial, medical, and familial information, and the release of such could cause great financial harm to the employee.

The bill takes effect on October 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:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands an exemption for records pertaining to current state attorney's office or Office of Statewide Prosecution nonlegal support staff, therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect current state attorney's office or Office of Statewide Prosecution nonlegal support staff and their family members, and the bill exempts only records pertaining to those persons from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 119.071 and 744.21031 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator DiCeglie

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; defining the term "state attorney's
 4 office or Office of Statewide Prosecution nonlegal
 5 support staff"; providing an exemption from public
 6 records requirements for the personal identifying and
 7 location information of current state attorney's
 8 office and Office of Statewide Prosecution nonlegal
 9 support staff and the spouses and children of such
 10 staff; providing for future legislative review and
 11 repeal of the exemption; providing for retroactive
 12 application; amending s. 744.21031, F.S.; conforming a
 13 cross-reference; providing a statement of public
 14 necessity; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Paragraph (d) of subsection (4) of section
 19 119.071, Florida Statutes, is amended to read:
 20 119.071 General exemptions from inspection or copying of
 21 public records.—
 22 (4) AGENCY PERSONNEL INFORMATION.—
 23 (d)1. For purposes of this paragraph, the term:
 24 a. "Home addresses" means the dwelling location at which an
 25 individual resides and includes the physical address, mailing
 26 address, street address, parcel identification number, plot
 27 identification number, legal property description, neighborhood
 28 name and lot number, GPS coordinates, and any other descriptive
 29 property information that may reveal the home address.

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30 b. "Judicial assistant" means a court employee assigned to
 31 the following class codes: 8140, 8150, 8310, and 8320.
 32 c. "State attorney's office or Office of Statewide
 33 Prosecution nonlegal support staff" means an employee of a state
 34 attorney's office or the Office of Statewide Prosecution
 35 assigned to the following class codes: 6031, 6032, 6033, 6034,
 36 6035, 6141, 6142, 6151, 6152, 6153, 6154, 6155, 6161, 6162,
 37 6163, 6171, 6172, 6173, 6174, 6180, 6211, 6212, 6213, 6214,
 38 6215, 6326, 6327, 6331, 6332, 6333, 6341, 6342, 6343, 6344,
 39 6345, 6349, 6350, 6391, 6392, 6393, 6395, 6407, 6408, 6409,
 40 6417, 6418, 6441, 6442, 6443, 6444, 6491, 6492, 6493, 6495,
 41 6531, 6532, 6533, 6534, 6541, 6542, 6543, 6544, 6545, 6549,
 42 6561, 6562, 6563, 6564, 6566, 6571, 6572, 6573, 6615, 6616,
 43 6801, 6909, 6910, or 6911.
 44 d. "Telephone numbers" includes home telephone numbers,
 45 personal cellular telephone numbers, personal pager telephone
 46 numbers, and telephone numbers associated with personal
 47 communications devices.
 48 2.a. The home addresses, telephone numbers, dates of birth,
 49 and photographs of active or former sworn law enforcement
 50 personnel or of active or former civilian personnel employed by
 51 a law enforcement agency, including correctional and
 52 correctional probation officers, personnel of the Department of
 53 Children and Families whose duties include the investigation of
 54 abuse, neglect, exploitation, fraud, theft, or other criminal
 55 activities, personnel of the Department of Health whose duties
 56 are to support the investigation of child abuse or neglect, and
 57 personnel of the Department of Revenue or local governments
 58 whose responsibilities include revenue collection and

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59 enforcement or child support enforcement; the names, home
 60 addresses, telephone numbers, photographs, dates of birth, and
 61 places of employment of the spouses and children of such
 62 personnel; and the names and locations of schools and day care
 63 facilities attended by the children of such personnel are exempt
 64 from s. 119.07(1) and s. 24(a), Art. I of the State
 65 Constitution.

66 b. The home addresses, telephone numbers, dates of birth,
 67 and photographs of current or former nonsworn investigative
 68 personnel of the Department of Financial Services whose duties
 69 include the investigation of fraud, theft, workers' compensation
 70 coverage requirements and compliance, other related criminal
 71 activities, or state regulatory requirement violations; the
 72 names, home addresses, telephone numbers, dates of birth, and
 73 places of employment of the spouses and children of such
 74 personnel; and the names and locations of schools and day care
 75 facilities attended by the children of such personnel are exempt
 76 from s. 119.07(1) and s. 24(a), Art. I of the State
 77 Constitution.

78 c. The home addresses, telephone numbers, dates of birth,
 79 and photographs of current or former nonsworn investigative
 80 personnel of the Office of Financial Regulation's Bureau of
 81 Financial Investigations whose duties include the investigation
 82 of fraud, theft, other related criminal activities, or state
 83 regulatory requirement violations; the names, home addresses,
 84 telephone numbers, dates of birth, and places of employment of
 85 the spouses and children of such personnel; and the names and
 86 locations of schools and day care facilities attended by the
 87 children of such personnel are exempt from s. 119.07(1) and s.

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88 24(a), Art. I of the State Constitution.

89 d. The home addresses, telephone numbers, dates of birth,
 90 and photographs of current or former firefighters certified in
 91 compliance with s. 633.408; the names, home addresses, telephone
 92 numbers, photographs, dates of birth, and places of employment
 93 of the spouses and children of such firefighters; and the names
 94 and locations of schools and day care facilities attended by the
 95 children of such firefighters are exempt from s. 119.07(1) and
 96 s. 24(a), Art. I of the State Constitution.

97 e. The home addresses, dates of birth, and telephone
 98 numbers of current or former justices of the Supreme Court,
 99 district court of appeal judges, circuit court judges, and
 100 county court judges and current judicial assistants; the names,
 101 home addresses, telephone numbers, dates of birth, and places of
 102 employment of the spouses and children of current or former
 103 justices and judges and current judicial assistants; and the
 104 names and locations of schools and day care facilities attended
 105 by the children of current or former justices and judges and of
 106 current judicial assistants are exempt from s. 119.07(1) and s.
 107 24(a), Art. I of the State Constitution. This sub-subparagraph
 108 is subject to the Open Government Sunset Review Act in
 109 accordance with s. 119.15 and shall stand repealed on October 2,
 110 2028, unless reviewed and saved from repeal through reenactment
 111 by the Legislature.

112 f. The home addresses, telephone numbers, dates of birth,
 113 and photographs of current or former state attorneys, assistant
 114 state attorneys, statewide prosecutors, ~~or~~ assistant statewide
 115 prosecutors, or current state attorney's office or Office of
 116 Statewide Prosecution nonlegal support staff; the names, home

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addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, ~~or~~ assistant statewide prosecutors, or current state attorney's office or Office of Statewide Prosecution nonlegal support staff; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, ~~or~~ assistant statewide prosecutors, or current state attorney's office or Office of Statewide Prosecution nonlegal support staff are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative

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Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended

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175 by the children of such persons are exempt from s. 119.07(1) and
176 s. 24(a), Art. I of the State Constitution.

177 k. The home addresses, telephone numbers, dates of birth,
178 and photographs of current or former juvenile probation
179 officers, juvenile probation supervisors, detention
180 superintendents, assistant detention superintendents, juvenile
181 justice detention officers I and II, juvenile justice detention
182 officer supervisors, juvenile justice residential officers,
183 juvenile justice residential officer supervisors I and II,
184 juvenile justice counselors, juvenile justice counselor
185 supervisors, human services counselor administrators, senior
186 human services counselor administrators, rehabilitation
187 therapists, and social services counselors of the Department of
188 Juvenile Justice; the names, home addresses, telephone numbers,
189 dates of birth, and places of employment of spouses and children
190 of such personnel; and the names and locations of schools and
191 day care facilities attended by the children of such personnel
192 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
193 Constitution.

194 l. The home addresses, telephone numbers, dates of birth,
195 and photographs of current or former public defenders, assistant
196 public defenders, criminal conflict and civil regional counsel,
197 and assistant criminal conflict and civil regional counsel; the
198 names, home addresses, telephone numbers, dates of birth, and
199 places of employment of the spouses and children of current or
200 former public defenders, assistant public defenders, criminal
201 conflict and civil regional counsel, and assistant criminal
202 conflict and civil regional counsel; and the names and locations
203 of schools and day care facilities attended by the children of

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204 current or former public defenders, assistant public defenders,
205 criminal conflict and civil regional counsel, and assistant
206 criminal conflict and civil regional counsel are exempt from s.
207 119.07(1) and s. 24(a), Art. I of the State Constitution.

208 m. The home addresses, telephone numbers, dates of birth,
209 and photographs of current or former investigators or inspectors
210 of the Department of Business and Professional Regulation; the
211 names, home addresses, telephone numbers, dates of birth, and
212 places of employment of the spouses and children of such current
213 or former investigators and inspectors; and the names and
214 locations of schools and day care facilities attended by the
215 children of such current or former investigators and inspectors
216 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
217 Constitution.

218 n. The home addresses, telephone numbers, and dates of
219 birth of county tax collectors; the names, home addresses,
220 telephone numbers, dates of birth, and places of employment of
221 the spouses and children of such tax collectors; and the names
222 and locations of schools and day care facilities attended by the
223 children of such tax collectors are exempt from s. 119.07(1) and
224 s. 24(a), Art. I of the State Constitution.

225 o. The home addresses, telephone numbers, dates of birth,
226 and photographs of current or former personnel of the Department
227 of Health whose duties include, or result in, the determination
228 or adjudication of eligibility for social security disability
229 benefits, the investigation or prosecution of complaints filed
230 against health care practitioners, or the inspection of health
231 care practitioners or health care facilities licensed by the
232 Department of Health; the names, home addresses, telephone

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 233 numbers, dates of birth, and places of employment of the spouses
 234 and children of such personnel; and the names and locations of
 235 schools and day care facilities attended by the children of such
 236 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 237 the State Constitution.

238 p. The home addresses, telephone numbers, dates of birth,
 239 and photographs of current or former impaired practitioner
 240 consultants who are retained by an agency or current or former
 241 employees of an impaired practitioner consultant whose duties
 242 result in a determination of a person's skill and safety to
 243 practice a licensed profession; the names, home addresses,
 244 telephone numbers, dates of birth, and places of employment of
 245 the spouses and children of such consultants or their employees;
 246 and the names and locations of schools and day care facilities
 247 attended by the children of such consultants or employees are
 248 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 249 Constitution.

250 q. The home addresses, telephone numbers, dates of birth,
 251 and photographs of current or former emergency medical
 252 technicians or paramedics certified under chapter 401; the
 253 names, home addresses, telephone numbers, dates of birth, and
 254 places of employment of the spouses and children of such
 255 emergency medical technicians or paramedics; and the names and
 256 locations of schools and day care facilities attended by the
 257 children of such emergency medical technicians or paramedics are
 258 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 259 Constitution.

260 r. The home addresses, telephone numbers, dates of birth,
 261 and photographs of current or former personnel employed in an

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 262 agency's office of inspector general or internal audit
 263 department whose duties include auditing or investigating waste,
 264 fraud, abuse, theft, exploitation, or other activities that
 265 could lead to criminal prosecution or administrative discipline;
 266 the names, home addresses, telephone numbers, dates of birth,
 267 and places of employment of spouses and children of such
 268 personnel; and the names and locations of schools and day care
 269 facilities attended by the children of such personnel are exempt
 270 from s. 119.07(1) and s. 24(a), Art. I of the State
 271 Constitution.

272 s. The home addresses, telephone numbers, dates of birth,
 273 and photographs of current or former directors, managers,
 274 supervisors, nurses, and clinical employees of an addiction
 275 treatment facility; the home addresses, telephone numbers,
 276 photographs, dates of birth, and places of employment of the
 277 spouses and children of such personnel; and the names and
 278 locations of schools and day care facilities attended by the
 279 children of such personnel are exempt from s. 119.07(1) and s.
 280 24(a), Art. I of the State Constitution. For purposes of this
 281 sub-subparagraph, the term "addiction treatment facility" means
 282 a county government, or agency thereof, that is licensed
 283 pursuant to s. 397.401 and provides substance abuse prevention,
 284 intervention, or clinical treatment, including any licensed
 285 service component described in s. 397.311(27).

286 t. The home addresses, telephone numbers, dates of birth,
 287 and photographs of current or former directors, managers,
 288 supervisors, and clinical employees of a child advocacy center
 289 that meets the standards of s. 39.3035(2) and fulfills the
 290 screening requirement of s. 39.3035(3), and the members of a

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291 Child Protection Team as described in s. 39.303 whose duties
 292 include supporting the investigation of child abuse or sexual
 293 abuse, child abandonment, child neglect, and child exploitation
 294 or to provide services as part of a multidisciplinary case
 295 review team; the names, home addresses, telephone numbers,
 296 photographs, dates of birth, and places of employment of the
 297 spouses and children of such personnel and members; and the
 298 names and locations of schools and day care facilities attended
 299 by the children of such personnel and members are exempt from s.
 300 119.07(1) and s. 24(a), Art. I of the State Constitution.

301 u. The home addresses, telephone numbers, places of
 302 employment, dates of birth, and photographs of current or former
 303 staff and domestic violence advocates, as defined in s.
 304 90.5036(1)(b), of domestic violence centers certified by the
 305 Department of Children and Families under chapter 39; the names,
 306 home addresses, telephone numbers, places of employment, dates
 307 of birth, and photographs of the spouses and children of such
 308 personnel; and the names and locations of schools and day care
 309 facilities attended by the children of such personnel are exempt
 310 from s. 119.07(1) and s. 24(a), Art. I of the State
 311 Constitution.

312 v. The home addresses, telephone numbers, dates of birth,
 313 and photographs of current or former inspectors or investigators
 314 of the Department of Agriculture and Consumer Services; the
 315 names, home addresses, telephone numbers, dates of birth, and
 316 places of employment of the spouses and children of current or
 317 former inspectors or investigators; and the names and locations
 318 of schools and day care facilities attended by the children of
 319 current or former inspectors or investigators are exempt from s.

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320 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 321 sub-subparagraph is subject to the Open Government Sunset Review
 322 Act in accordance with s. 119.15 and shall stand repealed on
 323 October 2, 2028, unless reviewed and saved from repeal through
 324 reenactment by the Legislature.

325 w. The home addresses, telephone numbers, dates of birth,
 326 and photographs of current county attorneys, assistant county
 327 attorneys, deputy county attorneys, city attorneys, assistant
 328 city attorneys, and deputy city attorneys; the names, home
 329 addresses, telephone numbers, photographs, dates of birth, and
 330 places of employment of the spouses and children of current
 331 county attorneys, assistant county attorneys, deputy county
 332 attorneys, city attorneys, assistant city attorneys, and deputy
 333 city attorneys; and the names and locations of schools and day
 334 care facilities attended by the children of current county
 335 attorneys, assistant county attorneys, deputy county attorneys,
 336 city attorneys, assistant city attorneys, and deputy city
 337 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
 338 the State Constitution. This exemption does not apply to a
 339 county attorney, assistant county attorney, deputy county
 340 attorney, city attorney, assistant city attorney, or deputy city
 341 attorney who qualifies as a candidate for election to public
 342 office. This sub-subparagraph is subject to the Open Government
 343 Sunset Review Act in accordance with s. 119.15 and shall stand
 344 repealed on October 2, 2029, unless reviewed and saved from
 345 repeal through reenactment by the Legislature.

346 x. The home addresses, telephone numbers, dates of birth,
 347 and photographs of current or former commissioners of the
 348 Florida Gaming Control Commission; the names, home addresses,

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349 telephone numbers, dates of birth, photographs, and places of
 350 employment of the spouses and children of such current or former
 351 commissioners; and the names and locations of schools and day
 352 care facilities attended by the children of such current or
 353 former commissioners are exempt from s. 119.07(1) and s. 24(a),
 354 Art. I of the State Constitution. This sub-subparagraph is
 355 subject to the Open Government Sunset Review Act in accordance
 356 with s. 119.15 and shall stand repealed on October 2, 2029,
 357 unless reviewed and saved from repeal through reenactment by the
 358 Legislature.

359 y. The home addresses, telephone numbers, dates of birth,
 360 and photographs of current clerks of the circuit court, deputy
 361 clerks of the circuit court, and clerk of the circuit court
 362 personnel; the names, home addresses, telephone numbers, dates
 363 of birth, and places of employment of the spouses and children
 364 of current clerks of the circuit court, deputy clerks of the
 365 circuit court, and clerk of the circuit court personnel; and the
 366 names and locations of schools and day care facilities attended
 367 by the children of current clerks of the circuit court, deputy
 368 clerks of the circuit court, and clerk of the circuit court
 369 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 370 the State Constitution. This sub-subparagraph is subject to the
 371 Open Government Sunset Review Act in accordance with s. 119.15
 372 and shall stand repealed on October 2, 2029, unless reviewed and
 373 saved from repeal through reenactment by the Legislature.

374 z.(I) As used in this sub-subparagraph, the term:

375 (A) "Congressional member" means a person who is elected to
 376 serve as a member of the United States House of Representatives
 377 or is elected or appointed to serve as a member of the United

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378 States Senate.

379 (B) "Partial home address" means the dwelling location at
 380 which an individual resides and includes the physical address,
 381 mailing address, street address, parcel identification number,
 382 plot identification number, legal property description,
 383 neighborhood name and lot number, GPS coordinates, and any other
 384 descriptive property information that may reveal the partial
 385 home address, except for the city and zip code.

386 (C) "Public officer" means a person who holds one of the
 387 following offices: Governor, Lieutenant Governor, Chief
 388 Financial Officer, Attorney General, Agriculture Commissioner,
 389 state representative, state senator, property appraiser,
 390 supervisor of elections, school superintendent, school board
 391 member, mayor, city commissioner, or county commissioner.

392 (II) The following information is exempt from s. 119.07(1)
 393 and s. 24(a), Art. I of the State Constitution:

394 (A) The partial home addresses of a current congressional
 395 member or public officer and his or her spouse or adult child.

396 (B) The telephone numbers of a current congressional member
 397 or public officer and his or her spouse or adult child.

398 (C) The name, home addresses, telephone numbers, and date
 399 of birth of a minor child of a current congressional member or
 400 public officer and the name and location of the school or day
 401 care facility attended by the minor child.

402 (III) This sub-subparagraph is subject to the Open
 403 Government Sunset Review Act in accordance with s. 119.15 and
 404 shall stand repealed on October 2, 2030, unless reviewed and
 405 saved from repeal through reenactment by the Legislature.

406 3.a. An agency that is the custodian of the information

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specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.z. and that is not the employer of the congressional member, public officer, or other person specified in sub-subparagraph 2.z. must maintain the exempt status of that information only if an individual requests the maintenance of an exemption pursuant to sub-subparagraph 2.z. on the basis of eligibility as a current congressional member or public officer and his or her spouse or child submits, as part of the written and notarized request required by sub-subparagraph a., the date of the congressional member's or public officer's election or appointment to public office, the date on which that office is next subject to election, and, if applicable, the date on which the current congressional member's or public officer's minor child reaches the age of majority. The custodian must maintain an exemption granted pursuant to sub-subparagraph 2.z. until the qualifying conditions for the exemption no longer apply to the person subject to the exemption.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s.

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192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the

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465 exemption.

466 7. Information made exempt under this paragraph may be
467 disclosed pursuant to s. 28.2221 to a title insurer authorized
468 pursuant to s. 624.401 and its affiliates as defined in s.
469 624.10; a title insurance agent or title insurance agency as
470 defined in s. 626.841(1) or (2), respectively; or an attorney
471 duly admitted to practice law in this state and in good standing
472 with The Florida Bar.

473 8. The exempt status of a home address contained in the
474 Official Records is maintained only during the period when a
475 protected party resides at the dwelling location. Upon
476 conveyance of real property after October 1, 2021, and when such
477 real property no longer constitutes a protected party's home
478 address as defined in sub-subparagraph 1.a., the protected party
479 must submit a written request to release the removed information
480 to the county recorder. The written request to release the
481 removed information must be notarized, must confirm that a
482 protected party's request for release is pursuant to a
483 conveyance of his or her dwelling location, and must specify the
484 Official Records book and page, instrument number, or clerk's
485 file number for each document containing the information to be
486 released.

487 9. Upon the death of a protected party as verified by a
488 certified copy of a death certificate or court order, any party
489 can request the county recorder to release a protected
490 decedent's removed information unless there is a related request
491 on file with the county recorder for continued removal of the
492 decedent's information or unless such removal is otherwise
493 prohibited by statute or by court order. The written request to

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494 release the removed information upon the death of a protected
495 party must attach the certified copy of a death certificate or
496 court order and must be notarized, must confirm the request for
497 release is due to the death of a protected party, and must
498 specify the Official Records book and page number, instrument
499 number, or clerk's file number for each document containing the
500 information to be released. A fee may not be charged for the
501 release of any document pursuant to such request.

502 Section 2. Paragraph (c) of subsection (1) of section
503 744.21031, Florida Statutes, is amended to read:

504 744.21031 Public records exemption.—

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

506 (c) "Telephone numbers" has the same meaning as provided in
507 s. 119.071(4)(d)1.d ~~s. 119.071(4)(d)1.e~~.

508 Section 3. The Legislature finds that it is a public
509 necessity that the home addresses, dates of birth, and telephone
510 numbers of current state attorney's office and Office of
511 Statewide Prosecution nonlegal support staff; the names, home
512 addresses, telephone numbers, dates of birth, and places of
513 employment of the spouses and children of such nonlegal support
514 staff; and the names and locations of schools and day care
515 facilities attended by the children of such nonlegal support
516 staff be made exempt from s. 119.07(1), Florida Statutes, and s.
517 24(a), Article I of the State Constitution. Such personal
518 identifying and location information can be used as a tool to
519 perpetrate fraud against an individual or to acquire sensitive
520 personal, financial, medical, and familial information, the
521 release of which could cause great financial harm to the
522 individual. Current state attorney's office and Office of

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Statewide Prosecution nonlegal support staff, in the course of their employment, may assist in the review of criminal prosecution cases; assist assistant state attorneys and assistant statewide prosecutors; maintain contact with victims, witnesses, criminal defense attorneys, judicial assistants, and law enforcement; and possess and handle sensitive criminal justice information and personal identifiable information, such as biometric data, identity history data, biographic data, property data, and case or incident history data, under strict security protocols. Such nonlegal support staff may incur the ill will of litigants, the accused, the convicted, and their associates and families, thus making nonlegal support staff and their spouses and children targets for acts of revenge. If such identifying and location information is released, the safety of current nonlegal support staff and their spouses and children could be jeopardized. For these reasons, the Legislature finds that it is a public necessity that such information be made exempt from public records requirements.

Section 4. This act shall take effect October 1, 2026.

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 1284

INTRODUCER: Senator Martin

SUBJECT: Arrest and Search Warrants

DATE: January 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cella	Stokes	CJ	Pre-meeting
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 1284 amends s. 901.02, F.S., to revise language related to the issuance of arrest warrants for misdemeanor crimes. The bill provides that if a complaint alleges only the commission of a misdemeanor offense, the judge may either issue:

- An arrest warrant; or
- A summon or a notice to appear in lieu of an arrest warrant.

The bill amends s. 901.09, F.S., to provide that when a complaint is for a misdemeanor, the court may, rather than shall, issue a summons instead of a warrant. The judge must believe that special conditions of pretrial release are not necessary to protect a victim or the community if he or she issues a summons.

The bill amends s. 901.15, F.S., to add the following crimes to the list of crimes that law enforcement may arrest a person without a warrant:

- Violation of an injunction for protection against stalking or cyberstalking;
- Violation of an injunction for protection against;
- Driving under the influence (DUI); and
- Boating under the influence (BUI).

The bill amends s. 933.02, F.S., to add that a search warrant may be issued:

- When a sample of blood of a person or other property constitutes evidence relevant to proving a DUI or BUI;
- When the laws relating to Domestic Violence are violated in any particular building or place;
- When the laws in relation to any misdemeanor crime that involves the use or threat of physical force or violence against an individual are involved.

The bill takes effect on July 1, 2026.

II. Present Situation:

Criminal Case Court Proceedings

The jurisdiction of a county court includes all misdemeanor cases not cognizable by the circuit courts.¹ The term “misdemeanor” means any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not more than 1 year.² A circuit court is a trial court and has jurisdiction over all actions at law not cognizable by the county courts including all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged.³

All persons tried in the county court on any criminal charge shall be tried:

- Upon indictment by the grand jury;⁴
- Upon information filed by the prosecuting attorney;⁵ or
- Upon affidavit or complaint.⁶

The state attorney is authorized to sign affidavits before the judge of the county court when the state attorney has evidence to support such affidavit for a criminal charge over which such court has jurisdiction.⁷ Information may be filed by the prosecuting attorney of the circuit court with the clerk of the circuit court without leave of the court first being obtained.⁸

A judge has the authority to issue arrest warrants based on criminal complaints if the judge is satisfied that probable cause exists for the issuance of an arrest warrant for any crime committed within the judge's jurisdiction.⁹ The court may issue an arrest warrant for a defendant only if all of these circumstances apply:

- A complaint has been filed charging the commission of a misdemeanor only.
- The summons issued to the defendant has been returned unserved.
- The judge is satisfied that probable cause exists for the issuance of an arrest warrant based upon the examination of the complaint and proofs submitted for a crime committed within the judge's jurisdiction.¹⁰

An arrest warrant shall be deemed to be issued by a judge at the time the judge affixes the judge's signature or electronic signature to the warrant.¹¹

¹ Section 34.01(1)(a), F.S.

² Section 775.08(2), F.S.

³ Section 26.012, F.S.

⁴ Section 905.16, F.S.

⁵ Section 34.13(1), F.S.

⁶ Section 34.13(1), F.S.

⁷ Section 34.13(3), F.S.

⁸ Section 932.47, F.S.

⁹ Section 901.02(1), F.S.

¹⁰ Section 901.02(2), F.S.

¹¹ Section 901.02(4), F.S.

Upon complaint made on affidavit to any county court that any misdemeanor has been committed, the county court judge may issue a warrant on the usual form, making it returnable before himself or herself or another county court judge.¹²

A summons to appear in court must be issued by the trial court when the complaint is for an offense that the trial court judge is empowered to try summarily unless the judge reasonably believes that the person against whom the complaint was made will not appear upon a summons, and then the trial court judge must issue a warrant.¹³ When the complaint is for a misdemeanor that the trial court judge is not empowered to try summarily, the trial court judge shall issue a summons instead of a warrant if she or he reasonably believes that the person against whom the complaint was made will appear upon a summons.¹⁴ The summons must set forth substantially the nature of the offense and command the person against whom the complaint was made to appear before the trial court judge at a stated time and place.¹⁵

If a person who is arrested does not have a right to bail for the offense charged, he or she shall be delivered immediately into the custody of the sheriff of the county in which the indictment, information, or affidavit is filed. If the person who is arrested has a right to bail, he or she shall be released after giving bond on the amount specified in the warrant.¹⁶ The purpose of a bail determination in criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger from the criminal defendant.¹⁷

Arrest Without a Warrant

Under conditions provided in s. 901.15, F.S., a law enforcement officer may arrest a person without a warrant under certain circumstances, some of which are listed below. The officer may make that arrest when there is probable cause to believe that person:

- Possessed a firearm or ammunition while the subject to an injunction against committing acts of:
 - Domestic violence,
 - Stalking; or
 - Cyber stalking.¹⁸
- Violated an injunction for protection against:
 - Domestic violence,¹⁹
 - Repeat violence,
 - Sexual violence,
 - Dating violence;²⁰ or
 - Exploitation of a vulnerable adult.²¹

¹² Section 34.13(4), F.S.

¹³ Section 901.09, F.S.

¹⁴ Section 901.09(1), F.S.

¹⁵ Section 901.09(3)

¹⁶ Section 907.04(1), F.S.

¹⁷ Section 903.046, F.S.

¹⁸ Section 790.233, F.S.

¹⁹ Section 741.31, F.S.

²⁰ Section 784.047(1), F.S.

²¹ Section 825.1036, F.S.

- Violated a foreign protection order.²²

Search Warrants

Section 933.02, F.S. provides that upon proper affidavits being made, a search warrant may be issued under ch. 933, F.S., upon any of the following grounds:

- When the property shall have been stolen or embezzled in violation of law;
- When any property shall have been used:
 - As a means to commit any crime;
 - In connection with gambling, gambling implements and appliances; or
 - In violation of s. 847.011, F.S., or other laws in reference to obscene prints and literature;
- When any property constitutes evidence relevant to proving that a felony has been committed;
- When any property is being held or possessed:
 - In violation of any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;
 - In violation of the fish and game laws;
 - In violation of the laws relative to food and drug; or
 - In violation of the laws relative to citrus disease pursuant to s. 581.184, F.S.; or
- When the laws in relation to cruelty to animals, as provided in ch. 828, F.S., have been or are violated in any particular building or place.

Seizure of Blood Evidence

The crimes involving DUI and BUI resulting in the death or serious bodily injury of a human being carry the requirement that the operator of the vehicle or vessel submit to a blood test of his or her blood to measure the alcohol or controlled substance level in the blood.²³

Section 327.353, F.S., provides that a law enforcement *officer who has probable cause* to believe a vessel operated by a *person under the influence* of alcoholic beverages, any chemical substance, or any controlled substance has caused the *death or serious bodily injury* of a human being, must *require the person* operating the vessel *to submit to a blood draw*. The officer may use *reasonable force if necessary* to require the person to submit to the administration of such blood draw.²⁴ Courts have upheld a similar statute allowing forcible blood draw after a traffic accident with serious bodily injury where there was probable cause to believe that the driver was under the influence of alcohol.²⁵

A blood draw to determine whether a person is under the influence of alcohol, a chemical substance or a controlled substance is a search that has Fourth Amendment ramifications.²⁶ The

²² Section 741.315, F.S.

²³ Sections 316.1933(1)(a) and 327.353(1)(a), F.S.

²⁴ Section 327.353(1)(a), F.S. *See, also* Section 316.1933(1), F.S., for the Driving Under the Influence blood draw provisions.

²⁵ *See State v. Quintanilla*, 276 So. 3d 941 (3rd DCA) (2019), (rev. den., 20 WL 633783) (Feb. 11, 2020).

²⁶ Both the United States Constitution and the Florida Constitution guarantee that “[t]he right of the people to be secure in their persons ... against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause.” Amend. IV, U.S. Const.; *see* Art. I, § 12, Fla. Const (“Such an invasion of bodily integrity implicates an individual’s ‘most personal and deep-rooted expectations of privacy.’”) (quoting *Winston v. Lee*, 470 U.S. 753, 760, 105 S. Ct. 1611, 1616, 84 L. Ed. 2d 662 (1985)). *See State v. Quintanilla*, 276 So.3d 941, 944-945 (Fla. 3rd), (2019).

Florida Supreme Court has explained how the Florida courts interact with Fourth Amendment jurisprudence: “The Fourth Amendment to the United States Constitution protects the rights of people to be free of unreasonable searches and seizures.”²⁷

Although there are judicially recognized exceptions²⁸ to obtaining a search warrant before a search is conducted, the general preference is that a judge review the attesting officer’s sworn application and warrant for the requisite probable cause for the seizure and the basis for it.²⁹ Having found that probable cause for the search exists, the judge should then approve the warrant to be served, executed, and returned by the law enforcement officer.³⁰

III. Effect of Proposed Changes:

SB 1284 amends various statutory provisions relating to pretrial procedures designed to establish the court’s jurisdiction over a defendant.

The bill amends s. 901.02, F.S., providing that in a misdemeanor case a judge may elect to issue a summons or a notice to appear, rather than issue an arrest warrant for a defendant if she or he reasonably believes that the person against whom the complaint was made will appear upon the summons or notice to appear and does not believe that special conditions of pretrial release are necessary to protect a victim or the community. The judge retains the ability to issue an arrest warrant.

Similarly, the bill amends s. 901.09, F.S., providing that when the complaint is for a misdemeanor that the trial court judge is not empowered to try summarily, the trial court judge may issue a summons instead of a warrant if she or he reasonably believes that the person against whom the complaint was made will appear upon a summons and does not believe that special conditions of pretrial release are necessary to protect a victim or the community.

The bill amends s. 901.15, F.S., to provide law enforcement officers the ability to arrest a person without an arrest warrant for certain offenses if the officer has probable cause to believe that the person has committed a criminal act according to s. 784.0487, F.S., violation of an injunction against stalking or cyberstalking; s. 784.0485, F.S., violation of an injunction against stalking; s. 316.193, F.S., DUI; and s. 327.35, F.S., BUI.

²⁷ U.S. Const. amend. IV prohibits unreasonable searches and seizures; a blood alcohol test constitutes a “search.” See *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2173 (2016).

²⁸ For example, the exigent circumstances exception “applies when the exigencies of the situation make the needs of law enforcement so compelling that a warrantless search is objectively reasonable under the Fourth Amendment.” *McNeely*, 569 U.S. at 148-49, 133 S. Ct. at 1558 (quoting *Kentucky v. King*, 563 U.S. 452, 459, 131 S. Ct. 1849, 1856, 179 L. Ed. 2d 865 (2011)).

²⁹ “ ‘Probable cause exists where “the facts and circumstances within [an officer’s] knowledge and of which [he] had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that” an offense has been or is being committed,’ and that evidence bearing on that offense will be found in the place to be searched.” *Safford Unified Sch. Dist. # 1 v. Redding*, 557 U.S. 364, 370, 129 S. Ct. 2633, 2639, 174 L. Ed. 2d 354 (2009) (alterations in original) (quoting *Brinegar v. United States*, 338 U.S. 160, 175-76, 69 S. Ct. 1302, 1310-11, 93 L. Ed. 1879 (1949)).

³⁰ Sections 933.07, 933.08, and 933.12, F.S.

The bill amends s. 933.02, F.S., to provide that upon proper affidavits being made, a court may issue a search warrant upon the following grounds, when:

- A sample of the blood of a person or other property constitutes evidence relevant to proving that a violation of s. 316.193, F.S., DUI, or s. 327.35, F.S., BUI, has been committed.
- The laws in relation to domestic violence as defined in s. 741.28, F.S., are violated in any particular building or place.
- The laws in relation to any misdemeanor crime that involves the use or threat of physical force or violence against an individual are violated.
- The laws in relation to any misdemeanor crime that involves the use or threat of physical force or violence against an individual are violated.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 901.02, 901.09, 901.15, 933.02, 901.1501, 20.165, 39.504, 321.05, 570.65, 741.30, 784.0485

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

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

None.

B. Amendments:

None.

By Senator Martin

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A bill to be entitled

An act relating to arrest and search warrants; amending s. 901.02, F.S.; authorizing a judge to issue an arrest warrant or issue a summons or a notice to appear in lieu of an arrest warrant under specified circumstances if a complaint alleges only the commission of a misdemeanor offense; amending s. 901.09, F.S.; authorizing, rather than requiring, a trial court judge to issue a summons under specified circumstances when a complaint is for a misdemeanor that the trial court judge is not empowered to try summarily; amending s. 901.15, F.S.; expanding the circumstances under which an arrest by an officer without a warrant is lawful to include when there is probable cause to believe that a person has committed a criminal act in violation of an injunction for protection against stalking or cyberstalking or has committed an act that constitutes driving under the influence or boating under the influence; amending s. 933.02, F.S.; expanding the circumstances under which a search warrant may be issued to include when a sample of the blood of a person or other property constitutes evidence of driving under the influence or boating under the influence, when the laws in relation to domestic violence are violated in any particular building or place, and when the laws in relation to any misdemeanor crime that involves the use or threat of physical force or violence against an individual are violated; reenacting s. 901.1501(2) and (3), F.S.,

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relating to immediate arrest of a person with a significant medical condition, to incorporate the amendments made to ss. 901.02 and 901.15, F.S., in references thereto; reenacting ss. 20.165(9)(b), 39.504(5), 321.05(1), 570.65(2), 741.30(6)(d), and 784.0485(6)(c) and (9)(b), F.S., relating to the Department of Business and Professional Regulation; enforcement of certain injunctions; duties, functions, and powers of patrol officers; law enforcement officers of the Department of Agriculture and Consumer Services; enforcement of domestic violence injunctions; and enforcement of stalking injunctions; respectively, to incorporate the amendment made to s. 901.15, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (2) of section 901.02, Florida Statutes, is amended to read:

901.02 Issuance of arrest warrants.—

(2) If a complaint alleges only the commission of a misdemeanor offense, a judge may either ~~The court may issue a warrant for the defendant's arrest when all of the following circumstances apply:~~

(a) Issue an arrest warrant in accordance with subsection (1); or ~~A complaint has been filed charging the commission of a misdemeanor only.~~

(b) Issue a summons pursuant s. 901.09(2) or a notice to

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appear in lieu of an arrest warrant if she or he reasonably believes that the person against whom the complaint was made will appear upon the summons or notice to appear and does not believe that special conditions of pretrial release are necessary to protect a victim or the community. ~~The summons issued to the defendant has been returned unserved.~~

~~(e) The conditions of subsection (1) are met.~~

Section 2. Subsection (2) of section 901.09, Florida Statutes, is amended to read:

901.09 When summons shall be issued.—

(2) When the complaint is for a misdemeanor that the trial court judge is not empowered to try summarily, the trial court judge may ~~shall~~ issue a summons instead of a warrant if she or he reasonably believes that the person against whom the complaint was made will appear upon a summons and does not believe that special conditions of pretrial release are necessary to protect a victim or the community.

Section 3. Subsections (6) and (9) of section 901.15, Florida Statutes, are amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s. 741.31, s. 784.047, s. 784.0487, or s. 825.1036 which violates an injunction for protection entered pursuant to s. 741.30, s. 784.046, s. 784.0485, or s. 825.1035 or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.

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(9) There is probable cause to believe that the person has committed any of the following:

(a) Any battery upon another person, as defined in s. 784.03.

(b) An act of criminal mischief or a graffiti-related offense as described in s. 806.13.

(c) A violation of a safety zone, security zone, regulated navigation area, or naval vessel protection zone as described in s. 327.461.

(d) A racing, street takeover, or stunt driving violation as described in s. 316.191(2).

(e) An exposure of sexual organs in violation of s. 800.03.

(f) Possession of a firearm by a minor in violation of s. 790.22(3).

(g) Trespass upon school grounds or facilities, including school buses as defined in s. 810.097(5)(b), in violation of that section.

(h) An act that constitutes driving under the influence in violation of s. 316.193.

(i) An act that constitutes boating under the influence in violation of s. 327.35.

Section 4. Section 933.02, Florida Statutes, is amended to read:

933.02 Grounds for issuance of search warrant.—Upon proper affidavits being made, a search warrant may be issued under ~~the provisions of~~ this chapter upon any of the following grounds:

(1) When the property has ~~shall have~~ been stolen or embezzled in violation of law.⁺

(2) When any property has ~~shall have~~ been used:

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- 117 (a) As a means to commit any crime;
 118 (b) In connection with gambling, gambling implements and
 119 appliances; or
 120 (c) In violation of s. 847.011 or other laws in reference
 121 to obscene prints and literature;
 122 (3) When any property constitutes evidence relevant to
 123 proving that a felony has been committed;
 124 (4) When any property is being held or possessed in
 125 violation of:
 126 (a) ~~In violation of~~ Any of the laws prohibiting the
 127 manufacture, sale, and transportation of intoxicating liquors;
 128 (b) ~~In violation of~~ The fish and game laws;
 129 (c) ~~In violation of~~ The laws relative to food and drug; or
 130 (d) ~~In violation of~~ The laws relative to citrus disease
 131 pursuant to s. 581.184;
 132 (5) When the laws in relation to cruelty to animals, as
 133 provided in chapter 828, have been or are violated in any
 134 particular building or place.
 135 (6) When a sample of the blood of a person or other
 136 property constitutes evidence relevant to proving that a
 137 violation of s. 316.193 or s. 327.35 has been committed.
 138 (7) When the laws in relation to domestic violence as
 139 defined in s. 741.28 are violated in any particular building or
 140 place.
 141 (8) When the laws in relation to any misdemeanor crime that
 142 involves the use or threat of physical force or violence against
 143 an individual are violated.
 144
 145 This section also applies to any papers or documents used as a

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- 146 means of or in aid of the commission of any offense against the
 147 laws of the state.
 148 Section 5. For the purpose of incorporating the amendments
 149 made by this act to sections 901.02 and 901.15, Florida
 150 Statutes, in references thereto, subsections (2) and (3) of
 151 section 901.1501, Florida Statutes, are reenacted to read:
 152 901.1501 Immediate arrest of a person with a significant
 153 medical condition.-
 154 (2) In determining whether to make an immediate arrest of a
 155 person with a significant medical condition, including an arrest
 156 for an offense committed against an elderly person or a disabled
 157 adult, a law enforcement officer may use his or her discretion
 158 based on the totality of the circumstances, including
 159 consideration of whether the person is a current or continued
 160 threat to public safety or himself or herself or a flight risk,
 161 and may consider all available lawful methods of making an
 162 arrest, including seeking an arrest warrant under s. 901.02.
 163 (3) This section does not prohibit a law enforcement
 164 officer from arresting a person without a warrant under s.
 165 901.15, or making such an arrest by any lawful method.
 166 Section 6. For the purpose of incorporating the amendment
 167 made by this act to section 901.15, Florida Statutes, in a
 168 reference thereto, paragraph (b) of subsection (9) of section
 169 20.165, Florida Statutes, is reenacted to read:
 170 20.165 Department of Business and Professional Regulation.-
 171 There is created a Department of Business and Professional
 172 Regulation.
 173 (9)
 174 (b) Each employee serving as a law enforcement officer for

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175 the division must meet the qualifications for employment or
 176 appointment as a law enforcement officer set forth under s.
 177 943.13 and must be certified as a law enforcement officer by the
 178 Department of Law Enforcement under chapter 943. Upon
 179 certification, each law enforcement officer is subject to and
 180 has the same authority as provided for law enforcement officers
 181 generally in chapter 901 and has statewide jurisdiction. Each
 182 officer also has arrest authority as provided for state law
 183 enforcement officers in s. 901.15. Each officer possesses the
 184 full law enforcement powers granted to other peace officers of
 185 this state, including the authority to make arrests, carry
 186 firearms, serve court process, and seize contraband and the
 187 proceeds of illegal activities.

188 1. The primary responsibility of each officer appointed
 189 under this section is to investigate, enforce, and prosecute,
 190 throughout the state, violations and violators of parts I and II
 191 of chapter 210, part VII of chapter 559, and chapters 561-569,
 192 and the rules adopted thereunder, as well as other state laws
 193 that the division, all state law enforcement officers, or
 194 beverage enforcement agents are specifically authorized to
 195 enforce.

196 2. The secondary responsibility of each officer appointed
 197 under this section is to enforce all other state laws, provided
 198 that the enforcement is incidental to exercising the officer's
 199 primary responsibility as provided in subparagraph 1., and the
 200 officer exercises the powers of a deputy sheriff, only after
 201 consultation or coordination with the appropriate local
 202 sheriff's office or municipal police department or when the
 203 division participates in the Florida Mutual Aid Plan during a

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204 declared state emergency.

205 Section 7. For the purpose of incorporating the amendment
 206 made by this act to section 901.15, Florida Statutes, in a
 207 reference thereto, subsection (5) of section 39.504, Florida
 208 Statutes, is reenacted to read:

209 39.504 Injunction; penalty.—

210 (5) Service of process on the respondent shall be carried
 211 out pursuant to s. 741.30. The department shall deliver a copy
 212 of any injunction issued pursuant to this section to the
 213 protected party or to a parent, caregiver, or individual acting
 214 in the place of a parent who is not the respondent. Law
 215 enforcement officers may exercise their arrest powers as
 216 provided in s. 901.15(6) to enforce the terms of the injunction.

217 Section 8. For the purpose of incorporating the amendment
 218 made by this act to section 901.15, Florida Statutes, in a
 219 reference thereto, subsection (1) of section 321.05, Florida
 220 Statutes, is reenacted to read:

221 321.05 Duties, functions, and powers of patrol officers.—
 222 The members of the Florida Highway Patrol are hereby declared to
 223 be conservators of the peace and law enforcement officers of the
 224 state, with the common-law right to arrest a person who, in the
 225 presence of the arresting officer, commits a felony or commits
 226 an affray or breach of the peace constituting a misdemeanor,
 227 with full power to bear arms; and they shall apprehend, without
 228 warrant, any person in the unlawful commission of any of the
 229 acts over which the members of the Florida Highway Patrol are
 230 given jurisdiction as hereinafter set out and deliver him or her
 231 to the sheriff of the county that further proceedings may be had
 232 against him or her according to law. In the performance of any

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of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration

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of commercial motor vehicles; to require the drivers of vehicles to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933.

Section 9. For the purpose of incorporating the amendment made by this act to section 901.15, Florida Statutes, in a reference thereto, subsection (2) of section 570.65, Florida Statutes, is reenacted to read:

570.65 Department of Agriculture and Consumer Services, law enforcement officers.—

(2) Each law enforcement officer shall meet the qualifications of law enforcement officers under s. 943.13 and shall be certified as a law enforcement officer by the Department of Law Enforcement under the provisions of chapter 943. Upon certification, each law enforcement officer is subject to and shall have the same arrest and other authority provided for law enforcement officers generally in chapter 901 and shall have statewide jurisdiction. Each officer shall also have arrest

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291 authority as provided for state law enforcement officers in s.
292 901.15. Such officers have full law enforcement powers granted
293 to other peace officers of this state, including the authority
294 to make arrests, carry firearms, serve court process, and seize
295 contraband and the proceeds of illegal activities.

296 Section 10. For the purpose of incorporating the amendment
297 made by this act to section 901.15, Florida Statutes, in a
298 reference thereto, paragraph (d) of subsection (6) of section
299 741.30, Florida Statutes, is reenacted to read:

300 741.30 Domestic violence; injunction; powers and duties of
301 court and clerk; petition; notice and hearing; temporary
302 injunction; issuance of injunction; statewide verification
303 system; enforcement; public records exemption.—

304 (6)

305 (d) A temporary or final judgment on injunction for
306 protection against domestic violence entered under this section
307 shall, on its face, indicate that:

308 1. The injunction is valid and enforceable in all counties
309 of the State of Florida.

310 2. Law enforcement officers may use their arrest powers
311 under s. 901.15(6) to enforce the terms of the injunction.

312 3. The court had jurisdiction over the parties and matter
313 under the laws of Florida and that reasonable notice and
314 opportunity to be heard was given to the person against whom the
315 order is sought sufficient to protect that person's right to due
316 process.

317 4. The date the respondent was served with the temporary or
318 final order, if obtainable.

319 Section 11. For the purpose of incorporating the amendment

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320 made by this act to section 901.15, Florida Statutes, in
321 references thereto, paragraph (c) of subsection (6) and
322 paragraph (b) of subsection (9) of section 784.0485, Florida
323 Statutes, are reenacted to read:

324 784.0485 Stalking; injunction; powers and duties of court
325 and clerk; petition; notice and hearing; temporary injunction;
326 issuance of injunction; statewide verification system;
327 enforcement.—

328 (6)

329 (c) A temporary or final judgment on injunction for
330 protection against stalking entered pursuant to this section
331 shall, on its face, indicate:

332 1. That the injunction is valid and enforceable in all
333 counties of this state.

334 2. That law enforcement officers may use their arrest
335 powers pursuant to s. 901.15(6) to enforce the terms of the
336 injunction.

337 3. That the court has jurisdiction over the parties and
338 matter under the laws of this state and that reasonable notice
339 and opportunity to be heard was given to the person against whom
340 the order is sought sufficient to protect that person's right to
341 due process.

342 4. The date that the respondent was served with the
343 temporary or final order, if obtainable.

344 (9)

345 (b) If the respondent is arrested by a law enforcement
346 officer under s. 901.15(6) or for a violation of s. 784.0487,
347 the respondent shall be held in custody until brought before the
348 court as expeditiously as possible for the purpose of enforcing

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349 the injunction and for admittance to bail in accordance with
350 chapter 903 and the applicable rules of criminal procedure,
351 pending a hearing.

352 Section 12. This act shall take effect July 1, 2026.