

<b>Tab 1</b>	<b>SB 132</b> by <b>Polsky</b> ; Similar to H 00073 Restoration of Voting Rights
<b>Tab 2</b>	<b>SB 418</b> by <b>Jones</b> ; Identical to H 00365 Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder
<b>Tab 3</b>	<b>SB 442</b> by <b>Yarborough</b> ; Similar to H 00359 Return of Certain Search Warrants
<b>Tab 4</b>	<b>SB 646</b> by <b>Gaetz</b> ; Identical to H 00477 Drug Paraphernalia
<b>Tab 5</b>	<b>SB 748</b> by <b>Bracy Davis</b> ; Identical to H 00467 Notice of Restoration of Voting Rights Information on Sentencing Scoresheets
<b>Tab 6</b>	<b>SB 1326</b> by <b>Martin</b> ; Identical to H 01505 Prosecution of Defendants
<b>Tab 7</b>	<b>SB 1332</b> by <b>Martin</b> ; Similar to CS/H 00931 Career Offender Registration
<b>Tab 8</b>	<b>SB 1660</b> by <b>Martin</b> ; Identical to H 00171 Responsible Firearm Safety Awareness Month
<b>Tab 9</b>	<b>SB 1734</b> by <b>Martin</b> ; Identical to H 01153 Juvenile Justice
<b>Tab 10</b>	<b>SB 1742</b> by <b>Martin</b> ; Compare to CS/H 01525 Lewd or Lascivious Exhibition
866418	D          S          LRCS          CJ, Martin          Delete everything after    01/26 06:17 PM
<b>Tab 11</b>	<b>SB 1750</b> by <b>Martin</b> ; Similar to H 01159 Criminal Sexual Conduct

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

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

**MEETING DATE:** Monday, January 26, 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	<b>SB 132</b> Polsky (Similar H 73, Compare H 1419, S 1598)	Restoration of Voting Rights; Requiring the Florida Commission on Offender Review to develop and maintain a database containing certain information for a certain purpose; requiring the Department of Management Services, acting through the Florida Digital Service, to provide certain technical assistance to the commission; providing that a person who takes certain actions in reasonable reliance on the database has an affirmative right to register and to vote and may not be charged with certain violations of criminal law, etc.  CJ      01/26/2026 Favorable ACJ FP	Favorable Yeas 7 Nays 0
2	<b>SB 418</b> Jones (Identical H 365)	Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder; Requiring the Department of Highway Safety and Motor Vehicles to establish a program to improve communication between individuals with autism spectrum disorder and law enforcement officers under certain circumstances; requiring the department to develop and make available to individuals with autism spectrum disorder a certain envelope by a specified date; defining the terms "agency" and "autism spectrum disorder"; requiring the Criminal Justice Standards and Training Commission within the Department of Law Enforcement to establish an employment training component relating to individuals with autism spectrum disorder, etc.  CJ      01/26/2026 Favorable ACJ FP	Favorable Yeas 8 Nays 0
3	<b>SB 442</b> Yarborough (Similar H 359)	Return of Certain Search Warrants; Extending the time period within which a search warrant issued for computers, computer systems, or electronic devices that are in the actual possession of a law enforcement agency at the time the warrant is issued must be returned to the court, etc.  CJ      01/26/2026 Favorable JU RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Monday, January 26, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 646</b> Gaetz (Identical H 477)	Drug Paraphernalia; Revising the definition of “drug paraphernalia” to exclude certain narcotic-drug-testing products, etc.  CJ 01/26/2026 Favorable ACJ FP	Favorable Yeas 8 Nays 0
5	<b>SB 748</b> Bracy Davis (Identical H 467)	Notice of Restoration of Voting Rights Information on Sentencing Scoresheets; Specifying information to be provided on sentencing scoresheets concerning restoration of voting rights; requiring that a scoresheet be provided to a defendant before a sentence is imposed, etc.  CJ 01/26/2026 Favorable EE RC	Favorable Yeas 7 Nays 0
6	<b>SB 1326</b> Martin (Identical H 1505)	Prosecution of Defendants; Specifying that it is a defense to a prosecution under any law that a defendant, as a result of mental disease or defect, lacked the culpable mental state required as an element of the crime charged; requiring an expert examining a defendant’s mental competence to proceed to administer a clinically recognized instrument to determine whether the defendant is malingering and include the results in his or her report; revising a mitigating circumstance under which a departure from the lowest permissible sentence is reasonably justified; authorizing the incorporation into a convicted defendant’s criminal sentence certain specialized treatment for mental health disease or defects, etc.  CJ 01/26/2026 Pending reconsideration (Favorable) JU RC	Favorable Yeas 4 Nays 3 <b>-Pending Reconsideration</b>

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Monday, January 26, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 1332</b> Martin (Similar H 931)	Career Offender Registration; Requiring a certain driver license or identification marking for a career offender; requiring a career offender to report to the Department of Highway Safety and Motor Vehicles in a certain month to obtain an updated or renewed driver license or identification card; providing that if a sanction is not imposed upon a career offender, such offender is deemed to have been released upon conviction; requiring certain career offenders to report to the Department of Highway Safety and Motor Vehicles and obtain a driver license or identification card containing a required marking within a certain period of time; authorizing the Department of Highway Safety and Motor Vehicles to release certain images to the Department of Law Enforcement for purposes of public notification, etc.  CJ 01/26/2026 Favorable ACJ FP	Favorable Yeas 7 Nays 0
8	<b>SB 1660</b> Martin (Identical H 171)	Responsible Firearm Safety Awareness Month; Designating the month of June as "Responsible Firearm Safety Awareness Month" for a specified purpose; encouraging the Department of Law Enforcement, local governments, and other agencies and organizations to sponsor certain events, etc.  CJ 01/26/2026 Favorable GO RC	Favorable Yeas 7 Nays 0
9	<b>SB 1734</b> Martin (Identical H 1153)	Juvenile Justice; Authorizing the Governor to award a Medal of Heroism to juvenile detention and juvenile probation officers; authorizing certain entities to establish an award program to award a Medal of Valor to a juvenile detention officer or probation officer in certain circumstances; revising the definition of the term "officer" to include juvenile detention and juvenile probation officers; providing that a child subject to proceedings under ch. 984, F.S., may only be placed in a shelter in certain circumstances, etc.  CJ 01/26/2026 Favorable ACJ FP	Favorable Yeas 7 Nays 0
10	<b>SB 1742</b> Martin (Similar H 1525)	Lewd or Lascivious Exhibition; Defining the term "presence"; adding an offender knowing or having reason to know a minor is present as an element of the criminal offense of lewd or lascivious exhibition, etc.  CJ 01/26/2026 Fav/CS ACJ FP	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Criminal Justice

Monday, January 26, 2026, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 1750</b> Martin (Similar H 1159)	<p>Criminal Sexual Conduct; Revising the circumstances under which the violation of specified provisions must be reclassified to the next higher degree; increasing the mandatory minimum terms of imprisonment for persons who commit a violation of specified provisions and have a certain prior conviction; increasing criminal penalties and providing a mandatory minimum term of imprisonment for persons who commit the offense of use of a child in a sexual performance; increasing criminal penalties and providing a mandatory minimum term of imprisonment for persons who intentionally create generated child pornography, etc.</p> <p>CJ 01/26/2026 Pending reconsideration (Favorable) ACJ FP</p>	<p>Favorable Yeas 7 Nays 0 <b>-Pending Reconsideration</b></p>

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Other Related Meeting Documents

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 132

INTRODUCER: Senator Polsky

SUBJECT: Restoration of Voting Rights

DATE: January 23, 2026

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

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

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**I. Summary:**

SB 132 amends s. 20.32, F.S., to require the Florida Commission on Offender Review (FCOR) to develop and maintain a database that contains specified information to assist a person in determining whether he or she has met certain requirements to have his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution. The bill requires the database to be available to the public on an Internet website by July 1, 2029, and to update the database monthly thereafter.

Further, the bill requires the FCOR to publish clear instructions that a person, who has been disqualified from voting based on a felony conviction other than murder or a felony sexual offense, may be able to follow to have his or her voting rights restored and to register to vote.

The bill requires the Department of State (DOS), the Department of Corrections (DOC), the clerks of the circuit courts, the county comptrollers, and the Board of Executive Clemency to provide the FCOR with monthly reports to support such data collection. Additionally, the Department of Management Services (DMS), acting through the Florida Digital Service, must provide technical assistance necessary for the FCOR to develop and maintain the database.

The bill provides a person who registers to vote or who votes in reasonable reliance on information contained in the database indicating his or her voting rights have been restored has an affirmative right to register and to vote and may not be charged with a violation of any criminal law of this state related to fraudulently voting or registering to vote.

The bill may have an indeterminate fiscal impact on the Florida Commission on Offender Review. See *Section V. Fiscal Impact Statement*.

The bill takes effect on July 1, 2026.

## II. Present Situation:

In November 2018, nearly 65% of Florida voters approved Amendment 4, a constitutional amendment that automatically restored voting rights to most Floridians with past convictions who had completed the terms of their sentence. In June 2019, Governor DeSantis signed SB 7066 into law, prohibiting such people from voting until they pay off certain legal financial obligations imposed by a court.<sup>1</sup>

In August 2019, the Governor sought an advisory opinion regarding the meaning of “upon completion of all terms of sentence” asking whether the phrase “all terms of sentence” encompasses legal financial obligations such as fines, restitution, court costs and fees. The Supreme Court of Florida issued an opinion that the phrase “all terms of sentence” has an ordinary meaning that the voters would have understood to refer not only to durational periods but also to all legal financial obligations imposed in conjunction with an adjudication of guilt.<sup>2</sup>

A person has the option to petition a court to terminate, upon consent of the person or entity owed, a financial obligation or convert such obligation to community service. If converted, the terms of the sentence are deemed complete when the person completes the community service.<sup>3</sup>

The State Constitution provides that no person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, is qualified to vote or hold office until restoration of civil rights or removal of disability. Any disqualification from voting arising from a felony conviction must be terminated and voting rights must be restored upon completion of all terms of sentence including parole or probation. However, a person convicted of murder or a felony sexual offense is not qualified to vote until restoration of civil rights.<sup>4</sup>

Upon a felony conviction, the civil rights of such person must be suspended in Florida until such rights are restored by a full pardon,<sup>5</sup> conditional pardon,<sup>6</sup> or restoration of civil rights<sup>7</sup> granted pursuant to s. 8, Art. IV of the State Constitution and s. 98.0751, F.S.<sup>8</sup>

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<sup>1</sup> The Brennan Center for Justice, *Voting Rights Restoration Efforts in Florida*, updated Nov. 18, 2024, available at: <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-florida> (last visited January 16, 2026).

<sup>2</sup> Advisory Opinion to the Governor re Implementation of Amendment 4, *The Voting Restoration Amendment*, 288 So. 3d 1070 (Fla. 2020).

<sup>3</sup> Section 98.0751(2)(a)5.e., F.S.

<sup>4</sup> Section 4, Art. VI, the Florida Constitution.

<sup>5</sup> A Full Pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions. It restores to an applicant all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. Florida Commission on Offender Review, *Types of Clemency*, available at: <https://www.fcor.state.fl.us/clemency> (last visited January 16, 2026).

<sup>6</sup> An example of a conditional pardon is a pardon without firearm authority which releases a person from punishment and forgives guilty. It entitles an applicant all of the rights of citizen enjoyed prior to a conviction except the specific authority to own, possess, or use firearms. *Id.*

<sup>7</sup> The restoration of civil rights restores to an applicant all of the rights of citizenship in the State of Florida enjoyed prior to the felony conviction, except the specific authority to own, possess, or use firearms. Such restoration shall not relieve an applicant from the registration and notification requirement or any other obligations and restrictions imposed by law upon sexual predators or sexual offenders. *Id.*

<sup>8</sup> Section 944.292, F.S.

Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship if the person has:<sup>9</sup>

- Received a full pardon from the Board of Executive Clemency;
- Served the maximum term of the sentence imposed upon him or her; or
- Been granted his or her final release by the FCOR.

The DOC must inform and educate inmates and offenders on community supervision about the restoration of civil rights and the restoration of voting rights resulting from the removal of the disqualification to vote. Each month, the DOC must send to the FCOR a list of the names of inmates who have been released from incarceration and offenders who have been terminated from supervision who may be eligible for restoration of civil rights.<sup>10</sup>

Beginning November 28, 2024, people with felony convictions who are unsure about their eligibility may request an advisory opinion from the Division of Elections (Division) in the DOS. The Division must respond within 90 days to indicate whether a person is eligible or ineligible to register and to vote. Individuals can submit a form as a .PDF attachment by email to [dos.generalcounsel@dos.myflorida.com](mailto:dos.generalcounsel@dos.myflorida.com) or by mail or in person.<sup>11</sup>

When issuing an advisory opinion, the Division will apply the standards in s. 98.075(5), F.S., to determine whether a felon is eligible to register or vote. Therefore, if the felon has provided the required information and if the Division finds no credible and reliable information to indicate the felon is ineligible to register or to vote, the Division will issue an opinion stating that the felon is eligible.<sup>12</sup>

The FCOR consists of three commissioners directly appointed by the Governor and Cabinet. The appointments must be certified to the Senate by the Governor and Cabinet for confirmation.<sup>13</sup> The FCOR has the powers and duties to:<sup>14</sup>

- Determine what persons must be placed on parole.
- Fix the time and conditions of parole.
- Determine whether a person has violated parole and take action with respect to such violation.
- Make such investigations as may be necessary.
- Report to the Board of Executive Clemency the circumstances, the criminal records, and the social, physical, mental, and psychiatric conditions and histories of persons under consideration by the board for pardon, commutation of sentence, or remission of fine, penalty, or forfeiture.

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<sup>9</sup> Section 940.05, F.S.

<sup>10</sup> Section 940.061, F.S.

<sup>11</sup> The Brennan Center for Justice, *Voting Rights Restoration Efforts in Florida*, updated Nov. 18, 2024, available at: <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-florida> (last visited January 16, 2026).

<sup>12</sup> Florida Department of State, Division of Elections, *Felon Voting Rights*, updated July 10, 2024, available at: <https://dos.fl.gov/elections/for-voters/voter-registration/felon-voting-rights/> (last visited January 16, 2026).

<sup>13</sup> Sections 947.01, and 947.02, F.S.

<sup>14</sup> Section 947.13(1)(a)-(h), F.S.

- Establish the terms and conditions of persons released on conditional release,<sup>15</sup> control release,<sup>16</sup> and conditional medical release<sup>17</sup> and determine whether a person has violated the conditions of release and take action with respect to such violation.

### III. Effect of Proposed Changes:

The bill amends s. 20.32, F.S., to require the FCOR to develop and maintain a database to assist a person in determining whether he or she has met certain requirements to have his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution. The database must contain for each such person, all of the following information:

- His or her name and any other personal identifying information.
- The remaining length of any term of supervision, including, but not limited to, probation, community control, or parole, ordered by a court as a part of his or her sentence.
- The remaining amount of any restitution owed to a victim as ordered by a court as part of his or her sentence.
- The remaining amount due of any fines or fees that were initially ordered by a court as a part of his or her sentence or as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.
- The completion status of any other term ordered by a court as a part of his or her sentence.
- Any other information needed to determine whether he or she has met the requirements for restoration of voting rights under s. 98.0751, F.S.

The bill requires the database to be available to the public on an Internet website by July 1, 2029, and to update the database monthly thereafter. Further, the bill requires the FCOR to publish clear instructions that a person, who has been disqualified from voting based on a felony conviction other than murder or a felony sexual offense, may be able to follow to have his or her voting rights restored and to register to vote.

The bill requires the FCOR to provide a comprehensive plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2027, which must include all of the following:

- The governmental entities from which and the methods by which the FCOR will collect, centralize, analyze, and secure the information required to be included in the database.
- A description of any infrastructure and services, including, but not limited to, software, hardware, and information technology services, which may be necessary to create and maintain the database.
- The anticipated number of additional employees necessary for:
  - The FCOR to develop and maintain the database.
  - A governmental entity to provide the information required.
  - The Florida Digital Service to provide the assistance required.
- The anticipated initial cost to develop the database; the annual cost to maintain the database; and the annual appropriation required to fund the anticipated costs incurred by the FCOR, each governmental entity, and the Florida Digital Service.

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<sup>15</sup> Section 947.1405, F.S.

<sup>16</sup> Section 947.146, F.S.

<sup>17</sup> Section 947.149, F.S.

- Any legal authority necessary for the FCOR to develop and maintain the database.
- Draft legislation to implement the comprehensive plan.

The bill provides a person who registers to vote or who votes in reasonable reliance on information contained in the database indicating his or her voting rights have been restored has an affirmative right to register and to vote and may not be charged with a violation of any criminal law of this state related to fraudulently voting or registering to vote.

The bill requires the DOS, the DOC, the clerks of the circuit courts, the county comptrollers, and the Board of Executive Clemency to provide the FCOR with monthly reports to support such data collection. The DMS, acting through the Florida Digital Service, must provide technical assistance necessary for the FCOR to develop and maintain the database.

The DMS is authorized to adopt rules to provide such technical assistance, and the FCOR must adopt rules for implementation.

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:

The FCOR may need additional employees to develop and maintain the database. Additionally, data collection may require other entities listed in the bill to increase their number of employees.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 20.32 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Polsky

30-00124-26

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A bill to be entitled

An act relating to restoration of voting rights; amending s. 20.32, F.S.; requiring the Florida Commission on Offender Review to develop and maintain a database containing certain information for a certain purpose; requiring certain governmental entities to provide certain information to the commission monthly; requiring the Department of Management Services, acting through the Florida Digital Service, to provide certain technical assistance to the commission; authorizing the department to adopt rules; requiring the commission to make the database available to the public on an Internet website by a certain date; requiring the commission to update the database monthly and publish certain information on the website; requiring the commission to provide a comprehensive plan to the Governor and Legislature by a certain date; providing requirements for the comprehensive plan; providing that a person who takes certain actions in reasonable reliance on the database has an affirmative right to register and to vote and may not be charged with certain violations of criminal law; requiring the commission to adopt rules; providing an effective date.

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

Section 1. Subsection (4) is added to section 20.32,

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Florida Statutes, to read:

20.32 Florida Commission on Offender Review.—

(4) (a) For the purpose of assisting a person who has been disqualified from voting based on a felony conviction other than murder or a felony sexual offense in determining whether he or she has met the requirements under s. 98.0751 to have his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution, the Florida Commission on Offender Review shall develop and maintain a database that contains for each such person all of the following information:

1. His or her name and any other personal identifying information.

2. The remaining length of any term of supervision, including, but not limited to, probation, community control, or parole, ordered by a court as a part of his or her sentence.

3. The remaining amount of any restitution owed to a victim as ordered by a court as a part of his or her sentence.

4. The remaining amount due of any fines or fees that were initially ordered by a court as a part of his or her sentence or as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

5. The completion status of any other term ordered by a court as a part of his or her sentence.

6. Any other information needed to determine whether he or she has met the requirements for restoration of voting rights under s. 98.0751.

(b) The Department of State, the Department of Corrections, the clerks of the circuit courts, the county comptrollers, and the Board of Executive Clemency shall provide to the commission

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monthly any information held by these governmental entities which is required under paragraph (a).

(c) The Department of Management Services, acting through the Florida Digital Service, shall provide any technical assistance necessary for the commission to develop and maintain the database. The Department of Management Services may adopt rules to provide such assistance.

(d) By July 1, 2029, the commission shall make the database available to the public on an Internet website. The commission shall update the database monthly with the information received from each governmental entity under paragraph (b). The commission shall publish on the website clear instructions that a person who has been disqualified from voting based on a felony conviction other than murder or a felony sexual offense may follow to have his or her voting rights restored and to register to vote.

(e) By July 1, 2027, the commission shall provide a comprehensive plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes all of the following:

1. The governmental entities from which and the methods by which the commission shall collect, centralize, analyze, and secure the information required to be included in the database.

2. A description of any infrastructure and services, including, but not limited to, software, hardware, and information technology services, which may be necessary to create and maintain the database.

3. The anticipated number of additional employees necessary for:

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a. The commission to develop and maintain the database.

b. A governmental entity to provide the information required under paragraph (b).

c. The Florida Digital Service to provide the assistance required under paragraph (c).

4. The anticipated initial cost to develop the database; the annual cost to maintain the database; and the annual appropriation required to fund the anticipated costs incurred by the commission, each governmental entity, and the Florida Digital Service.

5. Any legal authority necessary for the commission to develop and maintain the database.

6. Draft legislation to implement the comprehensive plan.

(f) Notwithstanding any law to the contrary, a person who registers to vote or who votes in reasonable reliance on information contained in the database indicating that his or her voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution has an affirmative right to register and to vote and may not be charged with a violation of any criminal law of this state related to fraudulently voting or registering to vote.

(g) The commission shall adopt rules to implement this subsection.

Section 2. This act shall take effect July 1, 2026.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations on Transportation, Tourism, and  
Economic Development, *Vice Chair*  
Appropriations  
Appropriations on Criminal and Civil Justice  
Environment and Natural Resources  
Ethics and Elections  
Governmental Oversight and Accountability  
Judiciary

### SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

### SENATOR TINA SCOTT POLSKY

30th District

November 13, 2025

Chairman Jonathan Martin  
Committee on Criminal Justice  
510 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Martin,

I respectfully request that you place SB 132, relating to Restoration of Voting Rights on the agenda of the Committee on Criminal Justice, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Tina S. Polsky".

Senator Tina S. Polsky  
Florida Senate, District 30

cc: Amanda Stokes, Staff Director  
Tori Denson, Administrative Assistant

#### REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate  
**APPEARANCE RECORD**

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

1/26/26  
Meeting Date

CRIM JUST  
Committee

Name AARON WAYT

FL ASSN OF CRIM  
DEF LAWYERS

Phone (407) 435-3194

Address \_\_\_\_\_  
Street

Email \_\_\_\_\_

TLH  
City

FL  
State

32311  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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

646

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26

Meeting Date

Criminal Justice

Committee

SB 646

Bill Number or Topic

Amendment Barcode (if applicable)

Name Brad Bishop Phone 850-830-8397

Address 2211 W Fairfield Dr Email offensive@gmail.com  
Street

Pensacola, FL 32505  
City State Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**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 418

INTRODUCER: Senator Jones

SUBJECT: Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder

DATE: January 23, 2026

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

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

---

**I. Summary:**

SB 418 creates s. 320.021, F.S., to create the “Blue Envelope Program” within the Department of Highway Safety and Motor Vehicles (HSMV) to improve communication between individuals with autism spectrum disorder and law enforcement officers during motor vehicle-related interactions by January 1, 2027.

The blue envelope will identify the individual as having Autism Spectrum Disorder (ASD), the envelopes will include communication guidelines for officers and will be available by request from the HSMV or local tax collector beginning January 1, 2027.

The bill amends s. 943.1727, F.S., to create joint training with an organization advocating for individuals with ASD and the Criminal Justice Training Commission (CJSTC) to include:

- Recognizing ASD symptoms,
- Interview/interrogation techniques,
- Locating missing individuals with ASD,
- Techniques for recognizing an individual with ASD while identifying potential abusive or coercive situations,
- De-escalation strategies,
- Differentiating ASD behaviors from belligerence,
- Impact of officer interactions on ASD individuals, and
- Info on blue envelope program and “SAFE” designation.

The bill requires that initial certification include in-person instruction and online or in-person for continued employment training or education.

The bill requires that each basic skills course required for law enforcement officers to obtain initial certification includes the required training by July 1, 2028. By July 1, 2029, each law

enforcement officer must successfully complete such training as part of continued training or education.

The bill has a fiscal impact on state government. *See Section V., Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

## **II. Present Situation:**

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

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The CJSTC is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.<sup>1</sup>

#### ***Minimum Qualifications***

An individual must be at least 19 years of age to become a certified law enforcement officer or a certified correctional probation officer and must be at least 18 years of age to become a certified correctional officer. Additionally, the individual must be a citizen of the United States, not have been convicted of a felony or received a dishonorable discharge from the military, pass a physical exam, and have good moral character as determined by a background investigation. Certification as a law enforcement officer or correctional officer requires a high school diploma or equivalent (GED). Certification as a correctional probation officer requires a bachelor's degree.<sup>2,3</sup>

#### ***Autism Training***

In 2017, s. 943.1727, F.S., was amended to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.<sup>4</sup>

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

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<sup>1</sup> Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited January 8, 2026).

<sup>2</sup> Florida Department of Law Enforcement, *Department of Law Enforcement Criminal Justice Professionalism Services*, <https://www.fdle.state.fl.us/cjstc/officer-requirements/how-to-become-an-officer> (last visited January 8, 2026).

<sup>3</sup> Section 943.13, F.S.

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

- Autistic disorder.
- Asperger's syndrome.
- Pervasive developmental disorder not otherwise specified.<sup>5</sup>

The Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to the autism spectrum disorder. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness.

The LEBRT program also includes information on interviewing people with autism spectrum disorder and responding to missing persons incidents involving people with autism spectrum disorder. The Florida Department of Law Enforcement (FDLE) offers two online courses related to autism that can be taken as part of an officer's mandatory retraining. These are Autism Awareness Telecommunicator and Autism Spectrum Disorders (ASD) and Interviews. While these two courses can be counted toward mandatory retraining, they were not developed by the CJSTC.<sup>6</sup>

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

The bill creates s. 320.021, F.S., to create the "Blue Envelope Program" within the Department of Highway Safety and Motor Vehicles (HSMV) to improve communication between individuals with autism spectrum disorder and law enforcement officers during motor vehicle-related interactions by January 1, 2027.

The blue envelope will identify the individual as having Autism Spectrum Disorder (ASD), the envelopes include communication guidelines for officers and will be available by request from the HSMV or local tax collector beginning January 1, 2027.

The bill amends s. 943.1727, F.S., to create joint training with an organization advocating for ASD individuals and the Criminal Justice Training Commission (CJSTC) to include:

- Recognizing ASD symptoms,
- Interview/interrogation techniques,
- Locating missing individuals with ASD,
- Techniques for recognizing an individual with ASD while identifying potential abusive or coercive situations,
- De-escalation strategies,
- Differentiating ASD behaviors from belligerence,
- Impact of officer interactions on ASD individuals, and
- Info on blue envelope program and "SAFE" designation.

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<sup>5</sup> Section 627.6686, F.S.

<sup>6</sup> Florida Department of Law Enforcement, 2026 Agency Legislative Bill Analysis, *SB 418-Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder*, December 6, 2025 (on file with the Senate Committee on Criminal Justice).

The bill requires that initial certification include in-person instruction and online or in-person for continued employment training or education.

The bill requires that each basic skills course required for law enforcement officers to obtain initial certification includes the required training by July 1, 2028. By July 1, 2029, each law enforcement officer must successfully complete such training as part of continued training or education.

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 FDLE provided in their agency bill analysis that the cost to make changes in the Automated Training Management System (ATMS) is \$64,000 and would take

approximately four months utilizing existing resources. The cost to update curriculum is unknown and will be completed utilizing existing resources.<sup>7</sup>

**VI. Technical Deficiencies:**

The FDLE recommends that the effective date be amended to January 1, 2027 to allow time to complete necessary programmatic changes to the ATMS system.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 943.1727  
This bill creates the following sections of the Florida Statutes: 320.021

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>7</sup> Florida Department of Law Enforcement, 2026 Agency Legislative Bill Analysis, *SB 418-Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder*, December 6, 2025 (on file with the Senate Committee on Criminal Justice).

By Senator Jones

34-00167B-26

2026418\_\_

1 A bill to be entitled  
 2 An act relating to law enforcement officer  
 3 interactions with individuals with autism spectrum  
 4 disorder; creating s. 320.021, F.S.; requiring the  
 5 Department of Highway Safety and Motor Vehicles to  
 6 establish a program to improve communication between  
 7 individuals with autism spectrum disorder and law  
 8 enforcement officers under certain circumstances;  
 9 requiring the department to develop and make available  
 10 to individuals with autism spectrum disorder a certain  
 11 envelope by a specified date; providing requirements  
 12 for the envelope; authorizing persons with autism  
 13 spectrum disorder to request the envelope from the  
 14 department or a tax collector's office, beginning on a  
 15 specified date; amending s. 943.1727, F.S.; defining  
 16 the terms "agency" and "autism spectrum disorder";  
 17 requiring the Criminal Justice Standards and Training  
 18 Commission within the Department of Law Enforcement to  
 19 establish an employment training component relating to  
 20 individuals with autism spectrum disorder; requiring  
 21 that such employment training component be developed  
 22 jointly by the commission and an organization that  
 23 meets certain requirements; providing requirements for  
 24 training law enforcement officers on interacting with  
 25 individuals with autism spectrum disorder; requiring  
 26 the commission to adopt certain rules requiring such  
 27 training as part of basic recruit training and as part  
 28 of the required instruction for continued employment  
 29 and appointment as law enforcement officers; providing

Page 1 of 5

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

34-00167B-26

2026418\_\_

30 an effective date.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Section 320.021, Florida Statutes, is created to  
 35 read:  
 36 320.021 Blue envelope program.-  
 37 (1) The department shall establish a blue envelope program  
 38 for the purpose of improving communication between individuals  
 39 with autism spectrum disorder and law enforcement officers  
 40 during motor vehicle-related interactions.  
 41 (2) By January 1, 2027, the department shall develop and  
 42 make available to individuals with autism spectrum disorder a  
 43 blue envelope that is intended to hold a copy of an individual's  
 44 driver license and his or her vehicle registration, proof of  
 45 insurance, and emergency contact information, which envelope may  
 46 be provided by the individual to a law enforcement officer  
 47 during a motor vehicle-related interaction. The exterior of the  
 48 blue envelope must identify the individual as an individual with  
 49 autism spectrum disorder and include communication guidelines  
 50 intended to assist law enforcement officers during interactions  
 51 with drivers with autism spectrum disorder.  
 52 (3) Beginning January 1, 2027, an individual with autism  
 53 spectrum disorder may request a blue envelope from the  
 54 department or a tax collector's office.  
 55 Section 2. Section 943.1727, Florida Statutes, is amended  
 56 to read:  
 57 943.1727 ~~Continued~~ Employment training relating to autism  
 58 spectrum disorder.-

Page 2 of 5

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

34-00167B-26

2026418

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

(a) "Agency" means the ability to make independent decisions and act in one's own best interests.

(b) "Autism spectrum disorder" has the same meaning as in s. 627.6686(2).

(2) The ~~commission department~~ shall establish an a continued employment training component relating to individuals with autism spectrum disorder. Such training component must be developed jointly by the commission and an organization that advocates on behalf of, and offers training to law enforcement officers in this state on interactions with, individuals with autism spectrum disorder as defined in s. 627.6686. The training component shall include, but need not be limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to an individual exhibiting such symptoms and characteristics. Completion of the training component counts may ~~count~~ toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135.

(3) The employment training component for law enforcement officers which relates to interactions with individuals with autism spectrum disorder must include in-person instruction for initial certification and online or in-person instruction for continued employment training or education required under s. 943.135(1) in all of the following:

(a) The nature and manifestation of autism spectrum disorder.

(b) Techniques for interviewing or interrogating an

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2026418

individual with autism spectrum disorder, including techniques to ensure the legality of statements made by the individual and techniques used to protect the rights of the individual.

(c) Techniques for locating an individual with autism spectrum disorder who has run away and is in danger and for returning that individual while causing as little stress as possible to the individual.

(d) Techniques for recognizing the agency of an individual with autism spectrum disorder while identifying potential abusive or coercive situations.

(e) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both the officer and the individual with autism spectrum disorder.

(f) Techniques for differentiating an individual with autism spectrum disorder from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an individual with autism spectrum disorder and for understanding the law as it relates to the use of the Baker Act on an individual with autism spectrum disorder.

(g) The impact of an interaction with officers on individuals with autism spectrum disorder.

(h) Information about the blue envelope program established under s. 320.021 and the "SAFE" designation included in the motor vehicle record pursuant to s. 320.02(15).

(4) All recruits must complete the employment training component relating to individuals with autism spectrum disorder. Such training component may be taught as part of other relevant components of the training.

(5) The commission shall by rule require that each law

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117 enforcement officer receive instruction in the techniques and  
118 procedures described in subsection (3) as part of basic recruit  
119 training and as part of the required instruction for continued  
120 employment or appointment as such an officer.

121 (a) By July 1, 2028, each basic skills course required for  
122 law enforcement officers to obtain initial certification, as  
123 required under s. 943.13(9), must incorporate such training.

124 (b) By July 1, 2029, each law enforcement officer must  
125 successfully complete such training, as required under s.  
126 943.131(4) (a) and as part of continued training or education  
127 required under s. 943.135(1).

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



The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** December 9, 2025

---

I respectfully request that **Senate Bill #418**, relating to Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder, be placed on the:

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

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

Senator Shevrin D. "Shev" Jones  
Florida Senate, District 34



# 2026 FDLE LEGISLATIVE BILL ANALYSIS



## BILL INFORMATION

<b>BILL NUMBER:</b>	SB 418
<b>BILL TITLE:</b>	Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder
<b>BILL SPONSOR:</b>	Senator Jones
<b>EFFECTIVE DATE:</b>	July 1, 2026

## COMMITTEES OF REFERENCE

1) Senate Criminal Justice
2) Senate Appropriations Committee on Criminal and Civil Justice
3) Senate Fiscal Policy
4)
5)

## PREVIOUS LEGISLATION

<b>BILL NUMBER:</b>	
<b>SPONSOR:</b>	
<b>YEAR:</b>	
<b>LAST ACTION:</b>	

## CURRENT COMMITTEE

--

## SIMILAR BILLS

<b>BILL NUMBER:</b>	
<b>SPONSOR:</b>	

## IDENTICAL BILLS

<b>BILL NUMBER:</b>	HB 365
<b>SPONSOR:</b>	Representative Valdes

## Is this bill part of an agency package?

No.

## BILL ANALYSIS INFORMATION

<b>DATE OF ANALYSIS:</b>	December 2, 2025
<b>LEAD AGENCY ANALYST:</b>	Chad Brown
<b>ADDITIONAL ANALYST(S):</b>	Ashley Pennington; Erica Wolaver, Brett Kirkland
<b>LEGAL ANALYST:</b>	Natalie Bielby
<b>FISCAL ANALYST:</b>	Elizabeth Martin

## POLICY ANALYSIS

### 1. EXECUTIVE SUMMARY

The bill creates a blue envelope program and requires specialized law enforcement training for interactions with individuals with autism spectrum disorder. The bill establishes a blue envelope program to help individuals with autism spectrum disorder communicate with law enforcement officers during traffic stops or related interactions. It also requires the Department of Highway Safety and Motor Vehicles to develop and make the blue envelope available to individuals with autism spectrum disorder, including clear identification and communication guidelines on the envelope. The bill defines “agency” and “autism spectrum disorder” for the purposes of new employment training requirements for law enforcement officers. The bill mandates that the Criminal Justice Standards and Training Commission (CJSTC) jointly develop and implement employment training for law enforcement officers covering the identification of and interaction with individuals with autism spectrum disorder. It specifies that officers must receive in-person as well as ongoing training on de-escalation techniques, recognizing potential abusive situations, understanding individuals’ rights, and effectively communicating with persons on the autism spectrum. Requires this training to be integrated into both basic recruit instruction and continued law enforcement training programs.

Effective Date: July 1, 2026

### 2. SUBSTANTIVE BILL ANALYSIS

#### PRESENT SITUATION:

##### Section 2:

Currently, there is a 4-hour CJSTC Specialized Course, *Autism Spectrum Disorder and Awareness*. The course is currently under revision and will be going to CJSTC for approval in May 2026. The updated course covers all the topics outlined in the bill except for the blue envelope program which has not been established. Likewise, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT) has a lesson on interacting with people with autism that addresses some, but not all, of the topics. The LEBRT program includes information on interviewing people with autism and responding to missing persons incidents involving people with autism.

Additionally, the Florida Department of Law Enforcement (FDLE) offers two online courses related to autism that can be taken as part of an officer’s mandatory retraining. These are *Autism Awareness Telecommunicator and Autism Spectrum Disorders (ASD)* and *Interviews*. While these two courses can be counted toward mandatory retraining, they were not developed by CJSTC.

#### EFFECT OF THE BILL:

##### Section 2:

All the current CJSTC training related to autism (the 4-hour Specialized Course and the LEBRT program), will need to be reviewed and updated, if necessary. The subject matter experts used for the revision of the 4-hour Specialized course include multiple advocates from various organizations that offer training to law enforcement officers in the state. Additionally, since the content has already been developed for the Specialized course, anything not already covered in basic can be pulled from the Specialized course to meet the bill requirements. This can be done as part of the development for the 2027 LE revision; however, it is not clear whether any hours adjustments are needed to the overall program.

LEBRT is currently set at 770 hours. The CJSTC will need to assess existing curricula and determine whether any content can be cut in order to make room for new content. Increasing the overall number of hours for basic training would require a new framework with the Department of Education (DOE), and CJSTC approval before the training would become effective.

Since this training is a requirement for all Law Enforcement Officers by July 1, 2029, and as part of each mandatory retraining cycle, programming to FDLE’s Automated Training Management System will be needed to ensure compliance by each officer. The required training also needs to be added to the Equivalency of Training (EOT) form to ensure that all EOTs complete it before certification.

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

If yes, explain:	
What is the expected impact to the agency’s core mission?	

Rule(s) impacted (provide references to F.A.C., etc.):	
--	--

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

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

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

If yes, provide a description:	
Date Due:	
Bill Section Number:	

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

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

<b>FISCAL ANALYSIS</b>
------------------------

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

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

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

Revenues:	
Expenditures:	The cost to make changes in the Automated Training Management System (ATMS) is \$64,000 and would take approximately four months utilizing existing resources. The cost to update curriculum is unknown and will be completed utilizing existing resources.
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

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

Revenues:	
Expenditures:	
Other:	

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

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

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

If yes, describe the anticipated impact to the agency including any fiscal impact.	<p>It requires new training be incorporated into the continuing training required for law enforcement officers, so programming in ATMS will be required to add interacting with individuals with autism spectrum disorder as another mandatory retraining topic for persons with law enforcement or auxiliary law enforcement certification. There may be EOT changes required as well.</p> <p>The estimated time to complete the necessary programmatic changes to fulfill the needs of this legislation is an estimated 4 months to complete utilizing existing staff resources. The estimated total cost is \$64,000.</p> <p>It is recommended that the effective date of the bill be amended to January 1, 2027.</p>
--	--

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

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

**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

Issues/concerns/comments and recommended action:	N/A.
--	------

**ADDITIONAL COMMENTS**

January 26, 2026

Meeting Date

CRIMINAL JUSTICE

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB418

Bill Number or Topic

Amendment Barcode (if applicable)

Name Hector Gonzalez Phone 305-528-0995

Address 655 96 Streert Email hgonzalez@balharbourfl.gov

Street

Bal Harbour FL 33154

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Village of Bal Harbour

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

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date 1.26.26  
Committee S CU  
Name Laura - Lee Minutello Phone \_\_\_\_\_  
Address 2473 Cove Dr Email lauram@disability  
Tallahassee FL rightsflorida.org  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Disability Rights FL

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

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

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

S-001 (08/10/2021)

January 26, 2026

The Florida Senate  
**APPEARANCE RECORD**

418

Meeting Date

Criminal Justice

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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1/26/20

Meeting Date

Criminal Justice

Committee

418

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Roxane Perez

Phone

Address

Po Box 13184

Street

Email

St Petersburg

City

FL

State

33733

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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11/26/20

Meeting Date

CRIMINAL JUSTICE

Committee

418

Bill Number or Topic

Amendment Barcode (if applicable)

Name

REBECCA BOWMAN

Phone

Address

PO BOX 13184

Email

Street

ST PETERSBURG FL

City

State

33733

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

---

BILL: SB 442

INTRODUCER: Senator Yarborough

SUBJECT: Return of Certain Search Warrants

DATE: January 23, 2025

REVISED: 1/27/26

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Stokes	CJ	<b>Favorable</b>
2.		JU	
3.		RC	

---

## I. Summary:

SB 442 amends s. 933.05, F.S., to extend the time from 45 days to 365 days within which a search warrant for a computer, computer system, or an electronic device must be returned to the court.

The bill is not likely to have a fiscal impact. See Section V., Fiscal Impact Statement.

The bill becomes effective July 1, 2026.

## II. Present Situation:

### Digital Evidence

Law enforcement agencies can glean a lot of information from a criminal suspect's computer, computer system, and electronic devices.<sup>1</sup> The Florida Department of Law Enforcement (FDLE) uses specialized tools and techniques to recover data from electronic devices used or involved in criminal cases. From laptops and cell phones to gaming consoles and Internet of Things (IoT) devices, an increasing number and variety of gadgets are being used by both victims and perpetrators of crimes. Collectively, this information can provide significant insight into the events and activity associated with a particular crime or incident. Digital Evidence analysts use advanced forensic tools and techniques to retrieve data, frequently encountering and overcoming such challenges as: encryption and passcodes, damaged and corroded devices, and deleted data recovery.<sup>2</sup>

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<sup>1</sup> Section 815.03, F.S.

<sup>2</sup> *Digital and Multimedia Evidence*, Forensics Disciplines, FDLE, available at <https://www.fdle.state.fl.us/Forensics/Disciplines/Digital-Evidence>, (last viewed January 13, 2026).

Law enforcement officials cite strong, end-to-end encryption, or what they have called warrant-proof encryption, as preventing lawful access to certain data. Companies employing such strong encryption have stressed they do not hold encryption keys. This means they may not be readily able to unlock, or decrypt, the devices or communications—not even for law enforcement presenting an authorized search warrant or wiretap order.<sup>3</sup>

Various factors can affect law enforcement’s efforts to gain access to a device and its contents. For instance, law enforcement attempting to unlock a device with brute force would likely use software to try every possible combination of keys in an attempt to unlock the device. The success of this method may depend, among other things, on the amount of time available to try and unlock a device.<sup>4</sup>

### **Search and Seizure Process**

Section 933.04, F.S., states “the right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated and no search warrant shall be issued except upon probable cause, supported by oath or affirmation particularly describing the place to be searched and the person and thing to be seized.”<sup>5</sup>

Upon proper affidavits being made, a search warrant may be issued under the provisions of ch. 933, F.S., upon any of the following grounds:

- When the property was stolen or embezzled in violation of law;
- When any property was 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; and
- When any property is being held or possessed in violation of:
  - Any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;
  - The fish and game laws;
  - The laws relative to food and drug; or
  - 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.

This section also applies to any papers or documents used as a means of or in aid of the commission of any offense against the laws of the state.<sup>6</sup>

---

<sup>3</sup> “Law Enforcement and Technology: The “Lawful Access” Debate”, Kristin Finklea, Specialist in Domestic Security, Congressional Research Service, available at [https://www.congress.gov/crs\\_external\\_products/IF/PDF/IF11769/IF11769.3.pdf](https://www.congress.gov/crs_external_products/IF/PDF/IF11769/IF11769.3.pdf) (last viewed January 13, 2026).

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

<sup>5</sup> Section 933.04, F.S. This section of the Florida Statutes is nearly identical to the Fourth Amendment of the U.S. Constitution, which must also be followed in matters related to search and seizure and privacy. The Fourth Amendment to the U.S. Constitution.

<sup>6</sup> Section 933.02, F.S.

A search warrant cannot be issued except:

- Upon probable cause supported by affidavit or affidavits;
- Naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized;
- No search warrant shall be issued in blank, and any such warrant shall be returned within 10 days after issuance thereof;
- Except that a search warrant issued for a computer, a computer system, or an electronic device, that is in the actual possession of a law enforcement agency at the time such warrant is issued, shall be returned to the court within 45 days after issuance thereof.<sup>7</sup>

Section 933.05, F.S., was amended by the Legislature during the 2025 Session to increase the time frame from 10 to 45 days within which a search warrant for a computer, a computer system, or an electronic device must be returned to the court.<sup>8</sup> At the time the search warrant for the computer, computer system, or electronic device is issued by the court, the property must be in the actual possession of a law enforcement agency.

### III. Effect of Proposed Changes:

SB 442 amends s. 933.05, F.S., to give a law enforcement agency up to 365 days to return a search warrant to the court for a computer, a computer system, or an electronic device. The computer, computer system, or electronic device must be in the actual possession of a law enforcement agency *at the time such search warrant is issued* in order for the 365 day return date to apply.

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.

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<sup>7</sup> Section 933.05, F.S.

<sup>8</sup> Ch. 2025-176, s. 7.; note that other search warrants must be returned within 10 days of the warrant's issue date.

**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 not have a fiscal impact on local law enforcement agencies unless the bill results in law enforcement agencies storing the computers, computer systems, and electronic devices until such time as secure storage becomes less available for other items, and secure storage will have to be increased.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 933.05.

**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 Yarborough

4-00808-26

2026442\_\_

A bill to be entitled

An act relating to return of certain search warrants; amending s. 933.05, F.S.; extending the time period within which a search warrant issued for computers, computer systems, or electronic devices that are in the actual possession of a law enforcement agency at the time the warrant is issued must be returned to the court; providing an effective date.

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

Section 1. Section 933.05, Florida Statutes, is amended to read:

933.05 Issuance in blank prohibited.—A search warrant cannot be issued except upon probable cause supported by affidavit or affidavits, naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized; a ~~no~~ search warrant may not ~~shall~~ be issued in blank, and any such warrant must ~~shall~~ be returned within 10 days after issuance thereof, except that a search warrant issued for a computer, a computer system, or an electronic device, as those terms are defined in s. 815.03, that is in the actual possession of a law enforcement agency at the time such warrant is issued must ~~shall~~ be returned to the court within 365 ~~45~~ days after issuance thereof.

Section 2. This act shall take effect July 1, 2026.



The Florida Senate

## Committee Agenda Request

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

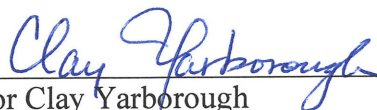
**Subject:** Committee Agenda Request

**Date:** December 3, 2025

---

I respectfully request that **Senate Bill #442**, relating to Return of Certain Search Warrants, be placed on the:

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

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

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26

Meeting Date

442

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

State Atty. Jack Campbell

Phone

850-606-6000

Address

301 S. Monroe Street, suite #475

Email

CampbellJ@leoncountyfl.gov

Street

Tallahassee,

City

FL

State

32301

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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1-26-2024

Meeting Date

SB 442

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name RYAN ELLIS

Phone 904-239-8636

Address 212 BLANDINE BLVD.  
Street

Email RmEllis@claysheriff.com

ORANGE PARK, FL.  
City State

32073  
Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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1-26-26

Meeting Date

SB 442

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Michelle Strippling

Phone

850 - 745 - 7189

Address

15 Oak Street

Email

mstripling@wasp.org

Street

Crawfordville FL 32327

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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1-26-26

Meeting Date

SB442

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Andria Farmer

Phone

850-745-7191

Address

15 Oak Street

Email

a.farmer@weso.org

Street

Groffordville

City

FL

State

32327

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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S-001 (08/10/2021)

The Florida Senate

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1/26/2026  
Meeting Date

Criminal Justice  
Committee

SB 442

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ashley Hudson

Phone 850-567-5194

Address 15 Oak Street  
Street

Email hudsoncrew99@gmail.com

Crawfordville, FL 32327  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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5-001 (08/10/2021)

January 26, 2026

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

442

Bill Number or Topic

Criminal Justice

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

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

1/26/26

Meeting Date

Appropriations Committee on Transportation, Tourism, and Economic Development

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB 442

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair Phone \_\_\_\_\_

Address 2617 Mahan Dr. Email amcnair@flsheriffs.org

Street

Tallahassee

City

FL

State

32308

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Sheriffs Association

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

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

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

S-001 (08/10/2021)

**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 646

INTRODUCER: Senator Gaetz

SUBJECT: Drug Paraphernalia

DATE: January 23, 2026

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

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

---

## I. Summary:

SB 646 amends s. 893.145, F.S., the drug paraphernalia statute, to exclude from the definition of “drug paraphernalia” narcotic drug testing products that are used to determine whether a controlled substance contains dangerous fentanyl or fentanyl analogues, xylazine, cocaine, amphetamines, cathinones, or any other controlled substance or adulterant.

The bill creates new legislative findings regarding drug-testing products, including test strips, reagent kits, and related products. The bill provides that testing products constitute evidence-based harm reduction strategies that do not encourage drug use, but rather prevent overdose and death by allowing individuals and communities to identify the presence of dangerous controlled substances and adulterants.

The bill may have a negative insignificant impact on prison admissions. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2026.

## II. Present Situation:

Drug testing kits or “drug checking” has become a common harm reduction method used to test illicit substances.<sup>1</sup> There are various types of drug-checking kits. Some test the potency of a substance, meaning they can provide information about the strength of a substance, by ascertaining how much of a drug it contains. Others test for the purity of a substance and the

---

<sup>1</sup> Science Direct, *Adulterants and altruism: A qualitative investigation of “drug checkers” in North America*, available at <https://www.sciencedirect.com/science/article/abs/pii/S0955395919302609?via%3Dihub> (last visited January 15, 2026)

presence of other drugs. This helps identify whether the substance content is as it has been sold, or if it also contains other drugs or harmful substances.<sup>2</sup>

Currently, testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances, excluding narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl<sup>3</sup> or any other controlled substance.<sup>4</sup> This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.<sup>5</sup>

According to the Centers for Disease Control and Prevention (CDC), fentanyl test strips are “small strips of paper that can detect the presence of fentanyl in all different kinds of drugs such as cocaine, methamphetamine, heroin, etc. and drug forms (pills, powder, and injectables).”<sup>6</sup>

Xylazine test strips are small strips of paper that can be placed within a personal sample of drugs to detect the presence of xylazine. Such strips may be used to inform decisions about drug use practices; for example, upon receiving a positive test result, an individual may opt to not use the drugs or use them in a less risky manner.<sup>7</sup>

### **Scheduling of a Controlled Substance**

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

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.

---

<sup>2</sup> Recovered, Drug-Checking Test Kits, available at <https://recovered.org/drug-safety-resources/drug-checking-kits> (last visited January 15, 2026).

<sup>3</sup> Section 893.03(2)(b)9, F.S.

<sup>4</sup> Section 893.135(1)(c)4.a, F.S.

<sup>5</sup> Section 893.145, F.S.

<sup>6</sup> Centers for Disease Control and Prevention, *What You Can Do to Test for Fentanyl*, available at [https://www.cdc.gov/stop-overdose/safety/?CDC\\_AAref\\_Val=https://www.cdc.gov/stopoverdose/fentanyl/fentanyl-test-strips.html](https://www.cdc.gov/stop-overdose/safety/?CDC_AAref_Val=https://www.cdc.gov/stopoverdose/fentanyl/fentanyl-test-strips.html) . (last visited on January 15, 2026).

<sup>7</sup> Substance Abuse and Mental Health Services Administration, *Fentanyl and Xylazine Test Strips*, available at <https://www.samhsa.gov/substance-use/treatment/overdose-prevention/fentanyl-xylazine-test-strips>, (last visited January 15, 2026).

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

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

“Fentanyl is a powerful synthetic opioid that is similar to morphine but is 50 to 100 times more potent. It is a prescription drug that is also used and made illegally.”<sup>9</sup> Fentanyl is a Schedule (2)(b) controlled substance.<sup>10</sup>

Xylazine is classified as a Schedule I drug. Xylazine is FDA approved for use in animals as a sedative and pain reliever, it is not safe for use in humans and it is not known if the exposure can be reversed by naloxone.<sup>11</sup> Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.<sup>12</sup>

Cocaine<sup>13</sup> and amphetamines<sup>14</sup> are classified as a Schedule II drug.

Cathinones is classified as a Schedule I drug. Cathinones is often found in bath salts or flakka.

### **Controlled Substance Analog**

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

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

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<sup>9</sup> *Fentanyl DrugFacts*, National Institute on Drug Abuse (footnotes omitted), available at

<https://nida.nih.gov/publications/drugfacts/fentanyl> (last visited on Feb. 7, 2023). As a medicine, fentanyl is “typically used to treat patients with severe pain, especially after surgery[,]” and “is also sometimes used to treat patients with chronic pain who are physically tolerant to other opioids.” *Id.*

<sup>10</sup> Section 893.03(2)(b)9., F.S.

<sup>11</sup> U.S. Food and Drug Administration, *FDA alerts health care professionals of risks to patients exposed to xylazine in illicit drugs*, November 8, 2022, available at <https://www.fda.gov/drugs/drug-safety-and-availability/fda-alerts-health-care-professionals-risks-patients-exposed-xylazine-illicit-drugs> (last visited January 5, 2026).

<sup>12</sup> National Institute on Drug Abuse, *Xylazine Research Topics*, available at <https://nida.nih.gov/research-topics/xylazine> (last visited on December 11, 2025).

<sup>13</sup> Section 893.03, F.S.

<sup>14</sup> *Id.*

on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

### Drug Paraphernalia Statutes

“Drug paraphernalia” means *all equipment, products, and materials of any kind which are used, intended for use, or designed for use in* planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, *testing*, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body *a controlled substance in violation of ch. 893, F.S., or s. 877.111, F.S.*<sup>15</sup> Drug paraphernalia is contraband which is subject to civil forfeiture.<sup>16</sup>

Drug paraphernalia, in part includes:

- Testing equipment,
- Scales and balances,
- Separation gins and sifters, or
- Hypodermic syringes or needles.<sup>17</sup>

When determining in a criminal case whether an object constitutes drug paraphernalia, a jury or judge must consider, in addition to all other logically relevant factors, the following:

- Statements by an owner or by anyone in control of the object concerning its use.
- The proximity of the object, in time and space, to a direct violation of this act.
- The proximity of the object to controlled substances.
- The existence of any residue of controlled substances on the object.
- Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this act. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- Instructions, oral or written, provided with the object concerning its use.
- Descriptive materials accompanying the object which explain or depict its use.
- Any advertising concerning its use.
- The manner in which the object is displayed for sale.
- Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor of or dealer in tobacco products.
- Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.

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<sup>15</sup> Section 877.111, F.S., prohibits inhaling, etc., of certain substances.

<sup>16</sup> Section 893.145, F.S.

<sup>17</sup> Section 893.145(4), F.S., additional items considered paraphernalia include: testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances, excluding narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl as described in s. 893.03(2)(b)9, F.S. or any other controlled substance specified in s. 893.135(1)(c)4.a, F.S. This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.

- The existence and scope of legitimate uses for the object in the community.
- Expert testimony concerning its use.<sup>18</sup>

It is a first degree misdemeanor<sup>19</sup> to:

- Use, or possess with intent to use, drug paraphernalia to test a controlled substance.<sup>20</sup>
- Advertise objects in a publication when it is known or reasonable to know that the purpose is to promote the sale of objects designed or intended for use as drug paraphernalia.<sup>21</sup>

It is a third degree felony<sup>22</sup> to:

- Deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to test a controlled substance in violation of s. 893.147, F.S.<sup>23</sup>
- Use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport a controlled substance or contraband as defined in s. 932.701(2)(a)1., F.S.<sup>24</sup>

### **Immunity from Arrest, Charge, Prosecution, or Penalization**

A person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, a drug-related overdose may not be arrested, charged, prosecuted, or penalized for possession of a controlled substance or use or possession of drug paraphernalia.<sup>25</sup> Similar immunity is provided for the person who experiences, or has a good faith belief that he or she is experiencing, drug-related overdose and is in need of medical assistance.<sup>26,27</sup>

The immunity statute appears to provide immunity from arrest, etc., for a violation of s. 893.147(1), F.S. (use or possession), assuming a testing product was used or possessed and the criteria of s. 893.147, F.S., were met. However, there are other offenses in s. 893.147, F.S., which might be applicable to a testing product and that may not qualify for immunity.

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

The bill amends s. 893.145, F.S., the drug paraphernalia statute, to exclude from the definition of “drug paraphernalia” narcotic drug testing products that are used to determine whether a controlled substance contains dangerous fentanyl or fentanyl analogues, xylazine, cocaine, amphetamines, cathinones, or any other controlled substance or adulterant.

<sup>18</sup> Section 893.146, F.S.

<sup>19</sup> A first degree misdemeanor is punishable by a term of not more than one year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

<sup>20</sup> Section 893.147(1)(a), F.S.

<sup>21</sup> Section 893.147(5), F.S.

<sup>22</sup> A third degree felony is generally punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S. *But see* ss. 775.082(10) and 921.00241, F.S. (prison diversion).

<sup>23</sup> Section 893.147(2), F.S.

<sup>24</sup> Section 893.147(4), F.S.

<sup>25</sup> Section 893.21(1), F.S.

<sup>26</sup> Section 893.21, F.S.

<sup>27</sup> Section 893.21(2), F.S.

The bill creates new legislative findings regarding drug-testing products, including test strips, reagent kits, and related products. The bill provides that testing products constitute evidence-based harm reduction strategies that do not encourage drug use but rather prevent overdose and death by allowing individuals and communities to identify the presence of dangerous controlled substances and adulterants.

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

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

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

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

None.

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

None.

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

None.

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

None.

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

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

None.

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

None.

##### **C. Government Sector Impact:**

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

- Per DOC, in FY 24-25, there were two new commitments to prison for violations under s. 893.147, F.S.<sup>28</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 893.145

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

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

None.

**B. Amendments:**

None.

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

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<sup>28</sup> Office of Economic and Demographic Research, *SB 646- Drug Paraphernalia*, (on file with the Senate Committee on Criminal Justice).

By Senator Gaetz

1-00876-26

2026646\_\_

A bill to be entitled

An act relating to drug paraphernalia; providing legislative findings and intent; amending s. 893.145, F.S.; revising the definition of "drug paraphernalia" to exclude certain narcotic-drug-testing products; providing an effective date.

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

Section 1. (1) The Legislature finds and declares that this state continues to experience unprecedented deaths caused by synthetic opioids, stimulants, and other adulterated or misrepresented substances in the illicit drug supply.

(2) In the 2024 Annual Report of the Florida Medical Examiners, Florida Department of Law Enforcement, the most frequently occurring drugs found in decedents were fentanyl and fentanyl analogs, benzodiazepines, cannabinoids, morphine, xylazine, cocaine, methamphetamine, amphetamine, gabapentin, cathinones, and oxycodone.

(3) The Legislature recognizes that drug-testing products, including test strips, reagent kits, and related products, are evidence-based harm reduction strategies that do not encourage drug use, but, instead, prevent overdose and death by allowing individuals and communities to identify the presence of dangerous controlled substances and adulterants.

(4) It is the intent of the Legislature to decriminalize the possession, distribution, and use of drug-testing products so that residents of this state can access life-saving information about controlled substances and adulterants before

Page 1 of 5

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

1-00876-26

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tragedy occurs.

Section 2. Section 893.145, Florida Statutes, is amended to read:

893.145 "Drug paraphernalia" defined.—The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, ~~testing~~, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter or s. 877.111. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances. The term does not include test strips, reagent kits, or any other,

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

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59 ~~excluding~~ narcotic-drug-testing products that are used solely to  
 60 determine whether a controlled substance contains fentanyl as  
 61 described in s. 893.03(2)(b)9. or dangerous fentanyl or fentanyl  
 62 analogues as any other controlled substance specified in s.  
 63 893.135(1)(c)4.a., xylazine, cocaine, amphetamines, cathinones,  
 64 or any other controlled substance or adulterant. This exclusion  
 65 does not apply to a narcotic-drug-testing product that can  
 66 measure or determine the quantity, weight, or potency of a  
 67 controlled substance.

68 (5) Scales and balances used, intended for use, or designed  
 69 for use in weighing or measuring controlled substances.

70 (6) Diluents and adulterants, such as quinine  
 71 hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite,  
 72 dextrose, and lactose, used, intended for use, or designed for  
 73 use in diluting controlled substances; or substances such as  
 74 damiana leaf, marshmallow leaf, and mullein leaf, used, intended  
 75 for use, or designed for use as carrier mediums of controlled  
 76 substances.

77 (7) Separation gins and sifters used, intended for use, or  
 78 designed for use in removing twigs and seeds from, or in  
 79 otherwise cleaning or refining, cannabis.

80 (8) Blenders, bowls, containers, spoons, and mixing devices  
 81 used, intended for use, or designed for use in compounding  
 82 controlled substances.

83 (9) Capsules, balloons, envelopes, and other containers  
 84 used, intended for use, or designed for use in packaging small  
 85 quantities of controlled substances.

86 (10) Containers and other objects used, intended for use,  
 87 or designed for use in storing, concealing, or transporting

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88 controlled substances.

89 (11) Hypodermic syringes, needles, and other objects used,  
 90 intended for use, or designed for use in parenterally injecting  
 91 controlled substances into the human body.

92 (12) Objects used, intended for use, or designed for use in  
 93 ingesting, inhaling, or otherwise introducing controlled  
 94 substances, as described in s. 893.03, or substances described  
 95 in s. 877.111(1) into the human body, such as:

96 (a) Metal, wooden, acrylic, glass, stone, plastic, or  
 97 ceramic pipes, with or without screens, permanent screens,  
 98 hashish heads, or punctured metal bowls.

99 (b) Water pipes.

100 (c) Carburetion tubes and devices.

101 (d) Smoking and carburetion masks.

102 (e) Roach clips: meaning objects used to hold burning  
 103 material, such as a cannabis cigarette, that has become too  
 104 small or too short to be held in the hand.

105 (f) Miniature cocaine spoons, and cocaine vials.

106 (g) Chamber pipes.

107 (h) Carburetor pipes.

108 (i) Electric pipes.

109 (j) Air-driven pipes.

110 (k) Chillums.

111 (l) Bongs.

112 (m) Ice pipes or chillers.

113 (n) A cartridge or canister, which means a small metal  
 114 device used to contain nitrous oxide.

115 (o) A charger, sometimes referred to as a "cracker," which  
 116 means a small metal or plastic device that contains an interior

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117 pin that may be used to expel nitrous oxide from a cartridge or  
118 container.

119 (p) A charging bottle, which means a device that may be  
120 used to expel nitrous oxide from a cartridge or canister.

121 (q) A whip-it, which means a device that may be used to  
122 expel nitrous oxide.

123 (r) A tank.

124 (s) A balloon.

125 (t) A hose or tube.

126 (u) A 2-liter-type soda bottle.

127 (v) Duct tape.

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



The Florida Senate

## Committee Agenda Request

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


**Subject:** Committee Agenda Request

**Date:** December 10, 2025

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I respectfully request that **Senate Bill #646**, relating to Drug Paraphernalia, be placed on the:

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



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Senator Don Gaetz  
Florida Senate, District 1

## **SB 646 – Drug Paraphernalia (Identical HB 477)**

This bill amends s. 893.145, F.S., adding new language to the definition of what constitutes drug paraphernalia as follows (new language in bold): “Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances. **The term does not include test strips, reagent kits, or any other** narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl as described in s. 893.03(2)(b)9, F.S. **or dangerous fentanyl or fentanyl analogues as** specified in s. 893.135(1)(c)4.a., F.S., **xylazine, cocaine, amphetamines, cathinones, or any other controlled substance or adulterant.** This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.” There are multiple felonies under s. 893.147, F.S. which could be impacted when it comes to the use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia, and materials.

Per DOC, in FY 24-25, there were two new commitments to prison for violations under s. 893.147, F.S.

**EDR PROPOSED ESTIMATE: Negative Insignificant**

**Requested by: Senate**

The Florida Senate  
**APPEARANCE RECORD**

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

1/26/26  
Meeting Date

CRIM JUST  
Committee

Name AARON WAYT

FL ASSN OF CRIM  
DEF LAWYERS

Phone (407) 435-3194

Address \_\_\_\_\_ Email \_\_\_\_\_

Street

TLH

City

FL

State

32311

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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646

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26

Meeting Date

Criminal Justice

Committee

SB 646

Bill Number or Topic

0

Amendment Barcode (if applicable)

Name Brad Bishop Phone 850-830-8397

Address 2211 W Fairfield Dr Email offensive@gmail.com  
Street

Pensacola, FL 32505  
City State Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 748

INTRODUCER: Senator Bracy Davis

SUBJECT: Notice of Restoration of Voting Rights Information on Sentencing Scoresheets

DATE: January 23, 2026

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

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

---

**I. Summary:**

SB 748 amends s. 921.0024, F.S. to require that sentencing scoresheets include a notice informing defendants about the impact of their sentence on voting rights.

Defendants must receive a copy of the scoresheet containing this notice before sentencing.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Voting Registration in Florida**

***Eligibility to Register to Vote***

The Florida Constitution and Florida Statutes provide for a person's eligibility to vote in an election<sup>1</sup> and specifically state that a person is eligible to vote in Florida only if that person is:

- At least 18 years old;
- A United States citizen;
- A legal resident of Florida;
- A legal resident of the county in which the person seeks to register; and
- Registered pursuant to the Florida Election Code.<sup>2</sup>

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<sup>1</sup> Section 97.021(12), F.S., defines "election" to mean any primary election, special primary election, special election, general election, or presidential preference primary election.

<sup>2</sup> Article VI, s. 2, FLA. CONST. and s. 97.041(1), F.S. Additionally, s. 97.011, F.S., provides that chs. 97-106 are known as the "Florida Election Code."

In part, a person is not qualified to register to vote in Florida, without having his or her voting rights restored, if he or she has been convicted of a felony<sup>3</sup> by any court of record.<sup>4</sup> The Secretary of State, who is the head of the Florida Department of State (DOS), is designated as the chief election officer of Florida<sup>5</sup> and is required, in part, to:

- Obtain and maintain uniformity in the interpretation and implementation of the election laws;<sup>6</sup>
- Enact rules to provide uniform standards for the proper and equitable implementation of the registration laws;<sup>7</sup> and
- Create and administer a uniform statewide voter registration system as required by the Help America Vote Act of 2002.<sup>8</sup>

The voting application must contain a question as to whether the applicant has been convicted of a felony, and, if convicted, has had his or her civil rights restored. The convicted felon who has gained his or her rights back must not be made to divulge the existence of such a conviction when filling out an application. The affirmative statement required to be included in the application is: “I affirm I am not a convicted felon, or, if I am, my rights relating to voting have been restored.”<sup>9</sup>

The DOS will apply the standards in s. 98.075(5), F.S., to determine whether a felon is eligible to register or vote. Therefore, if the felon has provided the required information and if the Division finds no credible and reliable information to indicate the felon is ineligible to register or to vote, the Division will issue an opinion stating that the felon is eligible.<sup>10</sup>

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<sup>3</sup> Article X, section 10, of the Florida Constitution defines “felony” to mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary. Additionally, s. 775.08(1), F.S., defines “felony” to mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary. “State penitentiary” is further defined to include state correctional facilities. A person must be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds 1 year.

<sup>4</sup> Article VI, s. 4(a), FLA. CONST. and s. 97.041(2), F.S.

<sup>5</sup> Section 97.012, F.S.

<sup>6</sup> Section 97.012(1), F.S.

<sup>7</sup> Section 97.012(2), F.S.

<sup>8</sup> Section 97.012(11), F.S. The secretary may delegate voter registration duties and records maintenance activities to voter registration officials provided that any responsibilities delegated are performed in accordance with state and federal law. Section 97.021(17), F.S., defines “lists of registered electors” to mean names and associated information of registered electors maintained by the DOS in the statewide voter registration system or generated or derived from the statewide voter registration system and provides that lists may be produced in printed or electronic format.

<sup>9</sup> Section 97.052(2)(t), F.S. Section 97.053(5)(a)6., F.S., further provides that this requirement is satisfied in the application with a mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

<sup>10</sup> Florida Department of State, Division of Elections, *Felon Voting Rights*, updated July 10, 2024, available at: <https://dos.fl.gov/elections/for-voters/voter-registration/felon-voting-rights/> (last visited January 16, 2026).

Upon a felony conviction, the civil rights of such person must be suspended in Florida until such rights are restored by a full pardon,<sup>11</sup> conditional pardon,<sup>12</sup> or restoration of civil rights<sup>13</sup> granted pursuant to s. 8, Art. IV of the State Constitution and s. 98.0751, F.S.<sup>14</sup>

Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship if the person has:<sup>15</sup>

- Received a full pardon from the Board of Executive Clemency;
- Served the maximum term of the sentence imposed upon him or her; or
- Been granted his or her final release by the Florida Commission on Offender Review.

### **Sentence Scoresheets**

The Criminal Punishment Code (CPC)<sup>16</sup> requires the use of scoresheets to determine sentencing points for felony offenses. The scoresheet calculates points based on factors such as the primary offense, additional offenses, victim injury, prior record, and other enhancements. These points establish the lowest permissible sentence under the CPC. Currently, the Department of Corrections is responsible for preparing scoresheets, which are reviewed by the court before sentencing. The CPC and scoresheet process aim to ensure uniformity and proportionality in sentencing across the state.

Currently, sentencing scoresheets do not include any notice regarding voting rights restoration.

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

The bill amends s. 921.0024, F.S. to require that sentencing scoresheets include a notice informing defendants about the impact of their sentence on voting rights.

Defendants must receive a copy of the scoresheet containing this notice before sentencing.

The notice includes a copy of s. 98.0751, F.S., relating to restoration of voting rights.

---

<sup>11</sup> A Full Pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions. It restores to an applicant all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. Florida Commission on Offender Review, *Types of Clemency*, available at: <https://www.fcor.state.fl.us/clemency> (last visited January 16, 2026).

<sup>12</sup> An example of a conditional pardon is a pardon without firearm authority which releases a person from punishment and forgives guilty. It entitles an applicant all of the rights of citizen enjoyed prior to a conviction except the specific authority to own, possess, or use firearms. *Id.*

<sup>13</sup> The restoration of civil rights restores to an applicant all of the rights of citizenship in the State of Florida enjoyed prior to the felony conviction, except the specific authority to own, possess, or use firearms. Such restoration shall not relieve an applicant from the registration and notification requirement or any other obligations and restrictions imposed by law upon sexual predators or sexual offenders. *Id.*

<sup>14</sup> Section 944.292, F.S.

<sup>15</sup> Section 940.05, F.S.

<sup>16</sup> Sections 921.002-921.0027, F.S. *See* chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

**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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

**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 Bracy Davis

15-01216-26

2026748

1 A bill to be entitled  
 2 An act relating to notice of restoration of voting  
 3 rights information on sentencing scoresheets; amending  
 4 s. 921.0024, F.S.; specifying information to be  
 5 provided on sentencing scoresheets concerning  
 6 restoration of voting rights; requiring that a  
 7 scoresheet be provided to a defendant before a  
 8 sentence is imposed; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Paragraphs (c) and (d) are added to subsection  
 13 (1) of section 921.0024, Florida Statutes, to read:  
 14 921.0024 Criminal Punishment Code; worksheet computations;  
 15 scoresheets.—  
 16 (1)  
 17 (c) NOTICE CONCERNING VOTING RIGHTS:  
 18 Article VI, s. 4(a) and (b) of the Florida Constitution  
 19 provide the following concerning voting rights:  
 20 SECTION 4. Disqualifications.—  
 21 (a) No person convicted of a felony, or adjudicated in this  
 22 or any other state to be mentally incompetent, shall be  
 23 qualified to vote or hold office until restoration of civil  
 24 rights or removal of disability. Except as provided in  
 25 subsection (b) of this section, any disqualification from voting  
 26 arising from a felony conviction shall terminate and voting  
 27 rights shall be restored upon completion of all terms of  
 28 sentence including parole or probation.  
 29 (b) No person convicted of murder or a felony sexual

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30 offense shall be qualified to vote until restoration of civil  
 31 rights.  
 32  
 33 Section 98.0751 of the Florida Statutes provides the  
 34 following concerning restoration of voting rights:  
 35 98.0751 Restoration of voting rights; termination of  
 36 ineligibility subsequent to a felony conviction.—  
 37 (1) A person who has been disqualified from voting based on  
 38 a felony conviction for an offense other than murder or a felony  
 39 sexual offense must have such disqualification terminated and  
 40 his or her voting rights restored pursuant to s. 4, Art. VI of  
 41 the State Constitution upon the completion of all terms of his  
 42 or her sentence, including parole or probation. The voting  
 43 disqualification does not terminate unless a person's civil  
 44 rights are restored pursuant to s. 8, Art. IV of the State  
 45 Constitution if the disqualification arises from a felony  
 46 conviction of murder or a felony sexual offense, or if the  
 47 person has not completed all terms of sentence, as specified in  
 48 subsection (2).  
 49 (2) For purposes of this section, the term:  
 50 (a) "Completion of all terms of sentence" means any portion  
 51 of a sentence that is contained in the four corners of the  
 52 sentencing document, including, but not limited to:  
 53 1. Release from any term of imprisonment ordered by the  
 54 court as a part of the sentence;  
 55 2. Termination from any term of probation or community  
 56 control ordered by the court as a part of the sentence;  
 57 3. Fulfillment of any term ordered by the court as a part  
 58 of the sentence;

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4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. include only the amount specifically ordered by the court as part of the sentence and do not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in the United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

(I) Actual payment of the obligation in full.

(II) Upon the payee's approval, either through appearance

15-01216-26

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in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.

(III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

(b) "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112 [sexual misconduct by a psychotherapist];

3. Section 784.049(3)(b) or (4) [sexual cyberharassment by a person with a prior sexual cyberharassment conviction or sexual cyberharassment when committed for the purpose of pecuniary or any other financial gain];

4. Section 794.08 [female genital mutilation];

5. Section 796.08 [criminal transmission of HIV];

6. Section 800.101 [offenses against students by authority figures];

15-01216-26

2026748\_\_

117 7. Section 826.04 [incest];  
 118 8. Section 847.012 [sale or distribution of material  
 119 harmful to minors or using minors in production];  
 120 9. Section 872.06(2) [abuse of a dead body];  
 121 10. Section 944.35(3)(b)2. [sexual abuse of a prisoner];  
 122 11. Section 951.221(1) [sexual misconduct between detention  
 123 facility employees and inmates]; or  
 124 12. Any similar offense committed in another jurisdiction  
 125 which would be an offense listed in this paragraph if it had  
 126 been committed in violation of the laws of this state.  
 127 (c) "Murder" means either of the following:  
 128 1. A violation of any of the following sections which  
 129 results in the actual killing of a human being:  
 130 a. Section 775.33(4) [terrorism resulting in death].  
 131 b. Section 782.04(1), (2), or (3) [murder].  
 132 c. Section 782.09 [killing of unborn child by injury to  
 133 mother].  
 134 2. Any similar offense committed in another jurisdiction  
 135 which would be an offense listed in this paragraph if it had  
 136 been committed in violation of the laws of this state.  
 137 (3)(a) The department shall obtain and review information  
 138 pursuant to s. 98.075(5) related to a person who registers to  
 139 vote and make an initial determination on whether such  
 140 information is credible and reliable regarding whether the  
 141 person is eligible pursuant to s. 4, Art. VI of the State  
 142 Constitution and this section. Upon making an initial  
 143 determination of the credibility and reliability of such  
 144 information, the department [of State] shall forward such  
 145 information to the supervisor of elections pursuant to s.

Page 5 of 6

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15-01216-26

2026748\_\_

146 98.075.  
 147 (b) A local supervisor of elections shall verify and make a  
 148 final determination pursuant to s. 98.075 regarding whether the  
 149 person who registers to vote is eligible pursuant to s. 4, Art.  
 150 VI of the State Constitution and this section.  
 151 (c) The supervisor of elections may request additional  
 152 assistance from the department [of State] in making the final  
 153 determination, if necessary.  
 154 (4) For the purpose of determining a voter registrant's  
 155 eligibility, the provisions of this section shall be strictly  
 156 construed. If a provision is susceptible to differing  
 157 interpretations, it shall be construed in favor of the  
 158 registrant.  
 159  
 160 (d) In order for a defendant to receive notice of the  
 161 impact of his or her sentence on voter eligibility, each  
 162 defendant must receive a copy of the scoresheet containing the  
 163 notice in paragraph (c) before a sentence is imposed.  
 164 Section 2. This act shall take effect July 1, 2026.

Page 6 of 6

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The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** January 12, 2025

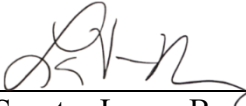
---

I respectfully request that **Senate Bill #748**, relating to Notice of Restoration of Voting Rights Information on Sentencing Scoresheets, be placed on the Criminal Justice Committee agenda.

The bill amends Florida Statute § 921.0024 so that the sentencing scoresheet form provided to inmates prior to their sentence being imposed has a section indicating that their right to vote will be disqualified depending on the nature of their felony offense and that voting rights will be restored upon completion of their sentence (including probation and parole). This bill has no fiscal as it only adds a section to an existing electronic form.

This legislation is important because it promotes transparency, reduces confusion, and supports successful reentry by ensuring individuals clearly understand the status of their voting rights at the time of sentencing. By providing clear notice on the sentencing scoresheet, the state reinforces lawful participation, protects election integrity, and affirms that once a sentence is completed, individuals can fully rejoin their communities. Many states, including Texas, Georgia, and Arizona, already provide this notice as part of their sentencing or reentry process.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (321) 663-2057.



---

Senator Lavon Bracy Davis  
Florida Senate, District 15

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26

Meeting Date

Criminal Justice

Committee

SB 748

Bill Number or Topic

Amendment Barcode (if applicable)

Name Julie Kent

Phone \_\_\_\_\_

Address PO Box 149805

Street

Email \_\_\_\_\_

Orlando

City

FL

State

32814

Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

1/26/26

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

748

Bill Number or Topic

CRIM JUST

Committee

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

Amendment Barcode (if applicable)

FL ASSN OF CRIM  
DEF LAWYERS

Name

AARON WAYT

Phone

(407) 435-3194

Address

Email

Street

TLH

City

FL

State

32311

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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748

Bill Number or Topic

1.26.26

Meeting Date

S CT

Committee

Amendment Barcode (if applicable)

Name

Laura-Leminitello

Phone

Address

2473 Cove Dr

Email

lawam@d.sabity  
rights.flor.da.org

Street

Tallahassee FL 32309

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Disability Rights FL

☐

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

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

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S-001 (08/10/2021)

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate  
**APPEARANCE RECORD**

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SB 748

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Gus Corbella**

Phone **850-443-8925**

Address **101 East College Avenue**

Email **corbella@gtlaw.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Rights Restoration  
Coalition**

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

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

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S-001 100/10/2022

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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748

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop** Phone **8505109922**

Address **1454 Vieux Carte Drive** Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

748

1-26-24

Meeting Date

Criminal Justice

Committee

Deliver both copies of this form to  
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Bill Number or Topic

Amendment Barcode (if applicable)

Name

Barbara Devane

Phone

850-251-4280

Address

625 E. Brevard St

Street

Email

barbara.devane1@  
yahoo.com

Tallahassee

City

FL 32308

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FL NOW

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

748

1/26/26

Meeting Date

Criminal Justice

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Roxane Perrot Phone \_\_\_\_\_

Address PO Box 13184 Email \_\_\_\_\_  
Street

St Petersburg FL 33738  
City State Zip

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

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate  
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1/26/2020  
Meeting Date  
Criminal Justice  
Committee

748  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name John Kent Phone \_\_\_\_\_

Address Po Box 149805 Email \_\_\_\_\_  
Street

Orlando FL 32814  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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01/26/20  
Meeting Date

Criminal Justice  
Committee

SB 748  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kaitlyn Kirk Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_  
Street

Brandon FL 33511  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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1/26/26  
Meeting Date

CRIMINAL JUSTICE  
Committee

748  
Bill Number or Topic

Amendment Barcode (if applicable)

Name REBECCA BOWMAN Phone \_\_\_\_\_

Address PO BOX 13184 Email \_\_\_\_\_  
Street

ST PETERSBURG FL 33733  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

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

---

BILL: SB 1326

INTRODUCER: Senator Martin

SUBJECT: Prosecution of Defendants

DATE: January 23, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	<b>Pre-meeting</b>
2.			JU	
3.			RC	

---

**I. Summary:**

The bill amends several sections of the Florida Statutes relating to the defendants who have mental illness. Specifically the bill amends:

- Section 775.027, F.S., replacing the current insanity affirmative defense with a defense of lack of a culpable mental state due to a mental disease or defect.
- Section 916.12, F.S., to require an expert who is examining a defendant for competency to proceed to incorporate a clinically recognized instrument to determine whether the defendant is malingering and include the results in the expert's report to the court.
- Section 921.0026(2)(d), F.S., to remove that the court may consider whether a defendant has a mental disorder that requires specialized treatment as a mitigating circumstance at sentencing. The court may consider at sentencing when the defendant requires specialized treatment for a *physical disability* as a mitigating circumstance.

The bill creates s. 921.245, F.S., to provide that the court may incorporate mental health treatment in the defendant's sentence, but treatment may not provide a basis for departure from the sentencing guidelines. The bill also specifies that a sentencing court is not prevented from considering a defendant's mental disease or defect when imposing a sentence within the permissible sentencing range established by the Criminal Punishment Code.

The bill may have a positive indeterminate fiscal impact upon the Department of Corrections. See Section V. Fiscal Impact Statement.

The bill takes effect on October 1, 2026.

## II. Present Situation:

### Defenses Relating to Mental Illness

#### *Insanity Defense in Florida*

Section 775.027, F.S., contains Florida's insanity defense. The statute declares that all persons are presumed to be sane. The insanity defense is an affirmative defense to a criminal prosecution that, at the time of the commission of the acts constituting the offense, the defendant was insane.

Insanity is established when the defendant had a mental infirmity, disease, or defect, and because of this condition, the defendant:

- Did not know what he or she was doing or its consequences; or
- Although the defendant knew what he or she was doing and its consequences, the defendant did not know that what he or she was doing was wrong.<sup>1</sup>

The defendant has the burden of proving the defense of insanity by clear and convincing evidence.<sup>2</sup> The court must include in its instructions to the jury a statement that whenever a defendant presents evidence which creates a reasonable doubt in the minds of the jury concerning the defendant's sanity, the presumption of sanity *vanishes* and the state then must prove beyond a reasonable doubt that the defendant was sane.<sup>3</sup>

A defendant who is acquitted of criminal charges because of a finding of not guilty by reason of insanity may be involuntarily committed pursuant to such finding if the defendant has a mental illness and, because of the illness, is manifestly dangerous to himself or herself or others.<sup>4</sup> Every defendant acquitted of criminal charges by reason of insanity and found to meet the criteria for involuntary commitment may be committed and treated in accordance with the provisions of s. 916.15, F.S., and the applicable Florida Rules of Criminal Procedure.<sup>5</sup>

#### *Kansas Law*

Kansas has a different approach to the insanity defense compared to current Florida law. Under Kansas law "It shall be a defense to a prosecution under any statute that the defendant, as a result of mental disease or defect, *lacked the culpable mental state* required as an element of the crime charged. Mental disease or defect is not otherwise a defense."<sup>6</sup>

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<sup>1</sup> Section 775.027(1), F.S.

<sup>2</sup> Section 775.027(2), F.S.; Clear and convincing evidence is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief, without hesitation, about the matter in issue. *Rodriguez v. State*, 172 So.3d 540 (Fla. 5<sup>th</sup> 2015).

<sup>3</sup> *Matevia v. State*, 564 So. 2d 585 (Fla. 2d DCA 1990).

<sup>4</sup> Section 916.15(2), F.S.

<sup>5</sup> Section 916.15(3), F.S.; Fla. R.Crim. P. 3.217(b). In making these decisions it is appropriate for the trial court to consider the evidence obtained at trial and prior reports of psychologists, as well as any relevant evidence presented at the commitment hearing. *Tavares v. State*, 871 So.2d 974 (Fla. 5<sup>th</sup> 2004).

<sup>6</sup> K.S.A. 21-5209, Laws 2010, ch. 136, § 20, eff. July 1, 2011. Compare Florida's insanity law which includes this "right/wrong" prong: Although the defendant knew what he or she was doing and its consequences, the *defendant did not know* that what he or she was doing was *wrong*." Section 775.027(1), F.S.

The term “culpable mental state” is defined in K.S.A. 21-5202. Culpable mental states are classified according to relative degrees, from highest to lowest, as follows:

- Intentionally;
- Knowingly;
- Recklessly.<sup>7</sup>

In *Kahler v. Kansas*, a challenge to Kansas’ treatment of the insanity defense based on Due Process grounds, the U.S. Supreme Court reviewed the history of the insanity defense and the States’ various approaches to it.<sup>8</sup> The court approved Kansas’ treatment of the insanity test that does not include a defendant’s ability to recognize that his crime was “morally wrong.”<sup>9</sup> The court explained that the insanity defense “should be open to revision over time, as new medical knowledge emerges and as legal and moral norms evolve...it is a project for state governance, not constitutional law.”<sup>10</sup>

### ***Mental states and defenses***

Currently, the affirmative defense of insanity does not require that a defendant demonstrate that he or she did not have the required intent to commit a crime, but such defendant must prove that they did not know what they were doing or its consequences, or that they did not know it was wrong.<sup>11</sup> A defendant may intend to do an act, but under Florida’s Insanity defense, be found not guilty if the defendant could prove that, because of a mental disorder, he or she did not know what they were doing was wrong.

States who use a defense of a lack of a culpable mental state do not take into consideration the same elements that Florida’s insanity defense requires. While there is no Florida statutory definition of culpable mental state, states using such defense have provided in statute that “a culpable mental state may be established by proof that the conduct of the accused person was committed “intentionally,” “knowingly,” or “recklessly.” The definition of culpable mental state includes general and specific intent crimes.<sup>12</sup>

Under Florida law, crimes require either specific intent or a general intent. The type of required intent may affect which defenses are applicable. For example, the Florida Supreme Court has determined that resisting arrest with violence is not a specific intent crime, meaning that the defense of voluntary intoxication does not apply; the offense only requires a general intent to resist, not a heightened mental state.<sup>13,14</sup> Additionally, Florida courts have held that involuntary intoxication is admissible only to negate the intent required for specific intent crimes.<sup>15</sup>

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<sup>7</sup> K.S.A. 21-5202.

<sup>8</sup> *Kahler v. Kansas*, 589 U.S. 271, 140 S.Ct. 1021, 206 L.Ed.2d 312 (2020).

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

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

<sup>11</sup> Section 775.027, F.S.

<sup>12</sup> Section 21-5202, K.S.,

<sup>13</sup> *Goodwin v. State*, 734 So. 2d 1057, (1<sup>st</sup> DCA 1998).

<sup>14</sup> *See also* s. 775.051, F.S., abolishing voluntary intoxication as a defense.

<sup>15</sup> *Daniels v. State*, 313 So. 3d 247 (1<sup>st</sup> DCA 2021).

While Florida has not defined “culpable mental state,” Kansas has defined it to include “knowingly,” and “recklessly.”<sup>16</sup> By defining culpable mental state, it appears Kansas has included general and specific intent crimes.

### **Mental Competence to Proceed**

Competency to proceed is an issue relative to a defendant’s *ability to participate* in his or her defense in a criminal case. A defendant is incompetent to proceed if the defendant does not have sufficient present ability to consult with her or his lawyer with a reasonable degree of rational understanding or if the defendant has no rational, as well as factual, understanding of the proceedings against her or him.<sup>17</sup>

A petitioner raising a substantive claim of incompetency is not entitled to a presumption of incompetency and must demonstrate his or her incompetency by a preponderance of the evidence.<sup>18</sup> A defendant is considered *competent to stand trial* if ‘he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and [if] he has a rational as well as factual understanding of the proceedings against him.’”<sup>19</sup>

“[A] petitioner is entitled to an evidentiary hearing on a substantive incompetency claim if he or she presents clear and convincing evidence to create a real, substantial and legitimate doubt as to his or her competency.”<sup>20</sup>

Mental health experts appointed pursuant to s. 916.115, F.S., must first determine whether the defendant has a mental illness and, if so, consider the factors related to the issue of whether the defendant meets the criteria for competence to proceed. In considering the issue of competence to proceed, an examining expert must first consider and specifically include in his or her report the defendant's capacity to:

- Appreciate the charges or allegations.
- Appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings.
- Understand the adversarial nature of the legal process.
- Disclose to counsel facts pertinent to the proceedings at issue.
- Manifest appropriate courtroom behavior.
- Testify relevantly.

In addition, an examining expert must consider and include in his or her report any other factor deemed relevant by the expert.<sup>21</sup>

If the defendant is incompetent to proceed, the expert must report any recommended treatment for the defendant to attain competency. The expert must specifically report on:

- The mental illness causing incompetence.

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<sup>16</sup> Section 21-5202, K.S.,

<sup>17</sup> Section 916.12(1), F.S.

<sup>18</sup> James v. Singletary, 957 F.2d 1562, 1571 (11th Cir.1992).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Section 916.12(3), F.S.

- The completion of a clinical assessment by approved mental health experts trained by the Department of Children and Families to ensure safety of the patient and the community.
- The treatment appropriate for the mental illness and an explanation of each possible treatment alternatives, including services that may be provided in a community setting.
- The available of acceptable treatment, and if treatment is available in the community.
- The likelihood that the defendant will attain competency under the treatment recommended, an assessment of the probable duration of the treatment required, and the probability that the defendant will attain competency in the foreseeable future.

A committing court must retain jurisdiction over any defendant involuntarily committed due to a determination of *incompetency to proceed* due to mental illness or a finding of *not guilty by reason of insanity* pursuant to ch. 916, F.S. The defendant may not be released except by order of the committing court.<sup>22</sup>

### **Mitigating Circumstances at Sentencing**

Section 921.0026, F.S., provides that a sentencing judge may consider circumstances or factors that reasonably justify a downward departure sentence. The level of proof necessary to establish facts that support a departure from the lowest permissible sentence is a preponderance of the evidence.<sup>23</sup>

The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure.<sup>24</sup> The lowest permissible sentence is any nonstate prison sanction in which the total sentence points equals or is less than 44 points, unless the court determines within its discretion that a prison sentence, which may be up to the statutory maximums for the offenses committed, is appropriate.

Mitigating circumstances include the:

- Departure results from a legitimate, uncoerced plea bargain.
- Defendant was an accomplice to the offense and was a relatively minor participant in the criminal conduct.
- Capacity of the defendant to appreciate the criminal nature of the conduct or to conform that conduct to the requirements of law was substantially impaired.
- Defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment.
- Need for payment of restitution to the victim outweighs the need for a prison sentence.
- Victim was an initiator, willing participant, aggressor, or provoker of the incident.
- Defendant acted under extreme duress or under the domination of another person.
- Victim was substantially compensated before the identity of the defendant was determined.
- Defendant cooperated with the state to resolve the current offense or any other offense.
- Offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
- Defendant was too young at the time of the offense to appreciate the consequences.

<sup>22</sup> Section 916.15(3)(a), F.S.; See s. 394.467, F.S., Involuntary inpatient placement.

<sup>23</sup> Section 921.002(1)(f), and (3), F.S.

<sup>24</sup> Section 921.0024(2), F.S.

- Defendant is to be sentenced as a youthful offender.
- Defendant's offense is a nonviolent felony, the defendant's Criminal Punishment Code scoresheet total sentence points under s. 921.0024, F.S., are 60 points or fewer, and the court determines that the defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program as part of the sentence. For purposes of this paragraph, the term “nonviolent felony” has the same meaning as provided in s. 948.08(6), F.S.
- Defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.<sup>25</sup>

### III. Effect of Proposed Changes:

The bill amends s.775.027, F.S., to eliminate the current insanity affirmative defense and attendant burden of proof, replacing it with a defense of lack of a culpable mental state at the time the crime was committed due to a mental disease or defect.

Specifically, the bill provides that it is a defense to a prosecution under any law that a defendant, *as a result of mental disease or defect, lacked the culpable mental state* required as an element of the crime charged.<sup>26</sup> Mental disease or defect is not otherwise a defense to a prosecution under any law.

The bill amends S. 916.12, F.S., to require an expert who examines a defendant to determine competency to proceed must administer a clinically recognized instrument to determine whether the defendant is malingering. Along with any other factor deemed relevant by the expert, he or she expert must include the results of the specified instrument in his or her report to the court.

The bill amends s. 921.0026(2)(d), F.S., to remove that the court may consider whether a defendant has a mental disorder that requires specialized treatment as a mitigating circumstance at sentencing. The court may consider at sentencing when the defendant requires specialized treatment for a *physical disability*.

The bill creates s. 921.245, F.S., regarding mental health treatment for certain defendants upon sentencing. The bill provides that if the convicted defendant requires specialized treatment for a mental disease or defect that is unrelated to substance abuse or addiction, and the defendant is amenable to treatment, such treatment may be incorporated into his or her criminal sentence. The treatment may not provide a basis for a sentencing court to depart from the lowest permissible sentence established by the Criminal Punishment Code.

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<sup>25</sup> *Id.* Except as provided in paragraph (2)(m), the defendant's substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor under subsection (2) and does not, under any circumstances, justify a downward departure from the permissible sentencing range. Section 921.0026(3), F.S.

<sup>26</sup> For an example of an “Element of the crime charged,” see the explanation of the elements of the crime of Loitering and Prowling in *Ferguson v. State*, 39 So.3d 551 (Fla. 2<sup>nd</sup> DCA, 2010).: “The offense consists of two elements. The first is that the ‘accused must loiter or prowl in a manner not usual for a law-abiding citizen. This conduct must come close to but fall short of the actual commission or attempted commission of a substantive crime and suggest that a breach of the peace is imminent.’ The second element is that ‘the factual circumstances must establish that the accused's behavior is ‘alarming in nature, creating an imminent threat to public safety.’” (internal citations omitted).

The bill also specifies that a sentencing court is not prevented from considering a defendant's mental disease or defect when imposing a sentence within the permissible sentencing range established by the Criminal Punishment Code.

The bill takes effect on October 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 Department of Corrections may have a positive indeterminate fiscal impact if the bill results in defendants who may have been sentenced under the lowest permissible sentence due to the mitigating circumstance of needing specialized mental health treatment are now sentenced to prison. Additionally, it is unclear whether revising the insanity defense will result in more or fewer defendants who are convicted.

**VI. Technical Deficiencies:**

The bill does not amend s. 916.15, F.S., relating to involuntary commitment of defendants adjudicated not guilty by reason of insanity. It is unclear if this provision will be applicable with the bill changing the affirmative defense of insanity to a defense of lack of culpable mental state.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 775.027, 916.12, 921.0026.

This bill creates the following sections of the Florida Statutes: 921.245

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

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

None.

**B. Amendments:**

None.

By Senator Martin

33-01489-26

20261326\_\_

1 A bill to be entitled  
 2 An act relating to the prosecution of defendants;  
 3 amending s. 775.027, F.S.; specifying that it is a  
 4 defense to a prosecution under any law that a  
 5 defendant, as a result of mental disease or defect,  
 6 lacked the culpable mental state required as an  
 7 element of the crime charged; specifying that mental  
 8 disease or defect is not otherwise a defense to a  
 9 prosecution under any law; deleting the affirmative  
 10 defense to a criminal prosecution that, at the time of  
 11 the commission of the acts constituting the offense,  
 12 the defendant was insane; deleting provisions for  
 13 establishing the affirmative defense; deleting a  
 14 provision relating to the burden of proof relating to  
 15 the affirmative defense; amending s. 916.12, F.S.;  
 16 requiring an expert examining a defendant's mental  
 17 competence to proceed to administer a clinically  
 18 recognized instrument to determine whether the  
 19 defendant is malingering and include the results in  
 20 his or her report; amending s. 921.0026, F.S.;  
 21 revising a mitigating circumstance under which a  
 22 departure from the lowest permissible sentence is  
 23 reasonably justified; creating s. 921.245, F.S.;  
 24 authorizing the incorporation into a convicted  
 25 defendant's criminal sentence certain specialized  
 26 treatment for mental health disease or defects;  
 27 prohibiting such treatment from providing a basis for  
 28 a sentencing court to depart from the lowest  
 29 permissible sentence; specifying that certain

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

33-01489-26

20261326\_\_

30 provisions do not prevent a sentencing court from  
 31 considering a defendant's mental disease or defect  
 32 when imposing a sentence within the permissible  
 33 sentencing range; providing an effective date.  
 34

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

36  
 37 Section 1. Section 775.027, Florida Statutes, is amended to  
 38 read:

39 775.027 Insanity Defense of lack of culpable mental state.—  
 40 ~~(1) AFFIRMATIVE DEFENSE.~~—All persons are presumed to be  
 41 sane. It is a defense to a prosecution under any law that a  
 42 defendant, as a result of mental disease or defect, lacked the  
 43 culpable mental state required as an element of the crime  
 44 charged. Mental disease or defect is not otherwise a defense to  
 45 a prosecution under any law an affirmative defense to a criminal  
 46 prosecution that, at the time of the commission of the acts  
 47 constituting the offense, the defendant was insane. Insanity is  
 48 established when:  
 49 ~~(a) The defendant had a mental infirmity, disease, or~~  
 50 ~~defect; and~~  
 51 ~~(b) Because of this condition, the defendant:~~  
 52 ~~1. Did not know what he or she was doing or its~~  
 53 ~~consequences; or~~  
 54 ~~2. Although the defendant knew what he or she was doing and~~  
 55 ~~its consequences, the defendant did not know that what he or she~~  
 56 ~~was doing was wrong.~~  
 57  
 58 ~~Mental infirmity, disease, or defect does not constitute a~~

Page 2 of 4

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

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59 ~~defense of insanity except as provided in this subsection.~~

60 ~~(2) BURDEN OF PROOF. The defendant has the burden of~~  
 61 ~~proving the defense of insanity by clear and convincing~~  
 62 ~~evidence.~~

63 Section 2. Subsection (3) of section 916.12, Florida  
 64 Statutes, is amended to read:

65 916.12 Mental competence to proceed.—

66 (3) In considering the issue of competence to proceed, an  
 67 examining expert shall first consider and specifically include  
 68 in his or her report the defendant's capacity to:

69 (a) Appreciate the charges or allegations against the  
 70 defendant.

71 (b) Appreciate the range and nature of possible penalties,  
 72 if applicable, that may be imposed in the proceedings against  
 73 the defendant.

74 (c) Understand the adversarial nature of the legal process.

75 (d) Disclose to counsel facts pertinent to the proceedings  
 76 at issue.

77 (e) Manifest appropriate courtroom behavior.

78 (f) Testify relevantly.

79  
 80 In addition, an examining expert shall administer a clinically  
 81 recognized instrument to determine whether the defendant is  
 82 malingerer consider and include the results of this instrument  
 83 in his or her report, along with any other factor deemed  
 84 relevant by the expert.

85 Section 3. Paragraph (d) of subsection (2) of section  
 86 921.0026, Florida Statutes, is amended to read:

87 921.0026 Mitigating circumstances.—This section applies to

33-01489-26 20261326\_\_

88 any felony offense, except any capital felony, committed on or  
 89 after October 1, 1998.

90 (2) Mitigating circumstances under which a departure from  
 91 the lowest permissible sentence is reasonably justified include,  
 92 but are not limited to:

93 (d) The defendant requires specialized treatment for a  
 94 ~~mental disorder that is unrelated to substance abuse or~~  
 95 ~~addiction or for a physical disability, and the defendant is~~  
 96 ~~amenable to treatment.~~

97 Section 4. Section 921.245, Florida Statutes, is created to  
 98 read:

99 921.245 Mental health treatment for convicted defendants.—

100 (1) If a convicted defendant requires specialized treatment  
 101 for a mental disease or defect that is unrelated to substance  
 102 abuse or addiction, and the defendant is amenable to treatment,  
 103 such treatment may be incorporated into his or her criminal  
 104 sentence, but the treatment may not provide a basis for a  
 105 sentencing court to depart from the lowest permissible sentence  
 106 established by the Criminal Punishment Code.

107 (2) This section does not prevent a sentencing court from  
 108 considering a defendant's mental disease or defect when imposing  
 109 a sentence within the permissible sentencing range established  
 110 by the Criminal Punishment Code.

111 Section 5. This act shall take effect October 1, 2026.

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26

Meeting Date

CRIM JUSTICE

Committee

1326

Bill Number or Topic

Amendment Barcode (if applicable)

FL ASSN OF CRIM  
DEF LAWYERS

Name NELLIE KING

Phone

Address

Street

WPR

City

FL

State

33401

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

January 26, 2026

The Florida Senate  
**APPEARANCE RECORD**

1326

Meeting Date

**Criminal Justice**

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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1/26/24  
Meeting Date

CRIMINAL JUSTICE  
Committee

1326  
Bill Number or Topic

Amendment Barcode (if applicable)

Name LIBBY Guzzo

Phone 850-245-0155

Address PL-01 CAPITOL  
Street

Email LIBBY.Guzzo@  
MYFLORIDALEGAL.COM

TUH FL 32399  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

ATTORNEY GENERAL

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

01/26/26

Meeting Date

Senate CT

Committee

SB1326

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Hanna - Floridians for  
Alternatives to the Death Penalty

Phone 8505446939

Address 216 Parkbrook Circle  
Street

Email grace@fadp.org

City 32308 State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 1332

INTRODUCER: Senator Martin

SUBJECT: Career Offender Registration

DATE: January 23, 2026

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

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

---

**I. Summary:**

SB 1332 amends ss.775.261, 944.608 and 944.609, F.S., to make changes to registration requirements for career offenders. Many of the changes to these sections increase registration requirements, and create similar requirements contained in the sexual predator and sexual offender registry. Requirements under the bill include, in part:

- Require initial registration in person at the sheriff's office within 48 hours of establishing a residence or release.
- Expand the list of required information to include addresses, phone numbers, employment, vehicles, professional licenses, and immigration status.
- Require annual reregistration during the offender's birth month at the sheriff's office.
- Redefine "permanent residence," "temporary residence and transient residence."
- Require reporting of in-state travel residences within 48 hours of establishment.
- Require reporting of changes to phone numbers and employment within 48 hours.
- Require local jail custodians to notify the Florida Department of Law Enforcement (FDLE) within 3 business days after intake or release of a career offender.
- Require the Department of Corrections (DOC) to report noncompliance and provide updated information and digitized photographs to the FDLE.
- Require federal agencies supervising career offenders to share information with the FDLE and indicate whether it may be used for public notification.
- Require law enforcement agencies to verify offender addresses at least annually and report noncompliance to the FDLE.
- Provide that each failure to register or report required information constitutes a separate offense, punishable as a third-degree felony.<sup>1</sup>

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<sup>1</sup> 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.

The bill amends s. 322.141, F.S., to a career offender to obtain the marking “775.261,” on their driver license or identification card.

The Legislature’s Office of Economic and Demographic Research (EDR) preliminary review provided that there may be a positive indeterminate fiscal impact. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2026.

## II. Present Situation:

### Florida Career Offender Registration

The Florida Career Offender Registration Act,<sup>2</sup> was signed into law in 2002, and as of January 1, 2003, a select group of convicted felons who present a threat to the public and to communities, are required to register their residences with law enforcement and a state registry maintained by the FDLE, the Career Offender Application for Statewide Tracking (COAST). These offenders, by virtue of their histories of offenses, present a threat to the public and to communities. Registration is not a punishment, but merely a status.<sup>3</sup> Currently, there are over 19,000 Florida career offenders, with approximately 9,400 not incarcerated and 950 offenders that have absconded or have an unknown location.<sup>4</sup>

A “career offender” is defined as any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender<sup>5</sup> or as a prison releasee reoffender.<sup>6</sup> Career offenders are subject to registration requirements intended to assist law enforcement in monitoring and tracking offenders who pose a heightened risk to public safety.

### *Residency*

“Permanent Residence” means a place where the career offender abides, lodges, or resides for 14 or more consecutive days.<sup>7</sup>

“Temporary residence<sup>8</sup>” means:

- A place where the career offender abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the career offender’s permanent address;
- For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state; or

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<sup>2</sup> Section 775.261, F.S.

<sup>3</sup> Florida Department of Law Enforcement, *Career Offender Search*, available at <https://www.fdle.state.fl.us/coflyer/home.asp> (last visited January 26, 2024).

<sup>4</sup> 2024 FDLE Legislative Bill Analysis SB 1364, January 31, 2024 (on file with the Senate Committee on Criminal Justice).

<sup>5</sup> Section s. 775.084, F.S.

<sup>6</sup> Section 775.082(9), F.S.

<sup>7</sup> Section 775.261(1)(f), F.S.

<sup>8</sup> Section 775.261(1)(g), F.S.

- A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender's permanent residence, including any out-of-state address.

### ***Registration***

Career offenders are required to complete an initial registration with the FDLE or the sheriff's office in the county where they maintain a permanent or temporary residence within two working days after establishing a residence or within two working days after release from custody or supervision. At registration, offenders provide identifying information such as name, date of birth, physical description, fingerprints, photograph, and residential address.<sup>9</sup>

After initial registration, subsequent reporting requirements include reporting in person to a driver license office of the Department of Highway Safety and Motor Vehicles (DHSMV) within two working days to obtain or update a driver license or identification card that reflects the offender's status. Career offenders must also report any changes in residence, name, employment, or vehicle ownership within two working days, and provide proof of registration when updating their license or identification card.<sup>10</sup>

The FDLE maintains a public registry of career offenders, and law enforcement agencies may notify the community of an offender's presence.<sup>11</sup> Failure to register a residence or comply with reporting requirements constitutes a third-degree felony.<sup>12</sup>

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

The bill makes multiple changes to the Florida Career Offender Registration Act, to make registration similar to registration requirements for sexual offenders and sexual predators.

### **License Designation – Section 322.141, F.S.**

The bill amends s. 322.141, F.S., to provide that career offenders who are subject to registration under ss. 775.261 or 944.608, F.S., have a marking on the front of their driver license or identification card notating "775.261, F.S."

Unless previously secured or updated, each career offender must report in person within 48 hours to the driver license office of the DHSMV during the month of his or her birth in order to obtain an updated or renewed driver license or identification card with notation "775.261, F.S."

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<sup>9</sup> Section 775.261(4)(a), F.S.

<sup>10</sup> Section 775.261(4)(d), F.S.

<sup>11</sup> Section 775.261(5), F.S.

<sup>12</sup> 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.

**The Florida Career Offender Registration Act – Section 775.261, F.S.*****Definitions***

The bill amends s. 775.261(2), F.S., by revising and clarifying definitions of “permanent residence”<sup>13</sup> and “temporary residence.”<sup>14</sup> Under the bill, the definitions specify how days are calculated for each type of residence. For each of the definitions for residence, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill changes the definition of career offender residences by reducing the length of time to establish a residence (permanent or temporary) from 14 days to 3 days.

“Permanent residence” means a place where the person abides, lodges, or resides for 3 or more consecutive days. For the purpose of calculating a permanent residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during a calendar year that is not the career offender’s permanent or transient residence. An in-state travel residence is a temporary residence. For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state is also a temporary residence. For the purpose of calculating a temporary residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill defines “in-state travel residence” to mean a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

“Transient residence” means a county where the career offender lives, remains, or is located for the purpose of abiding, lodging, or residing for a period of 3 or more days in the aggregate during a calendar year that is not the person’s permanent or temporary residence. The term includes, but is not limited to, a place where the career offender sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a day under this paragraph, the first day that a career offender lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

The bill provides a definition for “professional license” to mean the document of authorization or certification issued by an agency of this state for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business.

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<sup>13</sup> Section 322.141(2)(f), F.S.

<sup>14</sup> Section 322.141(2)(g), F.S.

The bill defines “vehicles owned” to mean any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a career offender; a rented vehicle that a career offender is authorized to drive; or a vehicle for which a career offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01, F.S., which is registered, co-registered, leased, titled, or rented by a person or persons residing at a career offender’s permanent residence for 5 or more consecutive days.

### ***Criteria for Registration***

The bill amends s. 775.261(3), F.S., to clarify that a career offender released on or after July 1, 2002, is deemed to be released upon conviction, if no sanction is imposed. The bill adds “federal prison” and removes “a fine” to the list of sanctions.

### ***Initial Registration***

The bill amends s. 775.261(4), F.S., to specify that upon initial registration, a career offender must report in person to the sheriff’s office. The bill removes the ability of a career offender to register with the FDLE, and specifies that registrations are to occur in person:

- Within 48 hours of being released in the county or she establishes residency from custody, control, or supervision of:
  - The Florida Department of Corrections (DOC), or
  - A private local detention facility
- In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration if the offender is not in the custody or control of, or under the supervision of, the DOC, or is not in the custody of a contractor-operated correctional facility or local detention facility.

The bill adds to the list of information that a career offender must provide upon registration, and requires that a career offender provide:

- Sex;
- Tattoos or other identifying marks;
- Fingerprints;
- Palm prints;
- Employment information;
- Address of permanent or legal residence and address of any current temporary residence within the state or out of state;
- If he or she has no permanent or temporary address, any transient residence within this state;
- The address, location or description, and dates of any current or known future temporary residence within Florida or out of state;
- The make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; and
- Home and cellular telephone numbers.

If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status. The career offender must provide information about any professional licenses he or she has.

If the career offender's place of residence is a motor vehicle, trailer, mobile home, manufactured home, vessel, liveaboard vessel, or houseboat, the career offender must provide the specified information to the FDLE *through the sheriff's office*.

The career offender must report any change in any of the required information.

The bill adds palm prints to the list of items a sheriff must obtain upon registration and specifies that the sheriff's office must promptly provide the FDLE.

### ***Maintaining Registration***

The bill also provides that a career offender who is unable to secure or update a driver license or an identification card with the DHSMV must report any change in the career offender's name within 48 hours after the change to the sheriff's office in the county where he or she resides or is located.

A career offender must report in person to the sheriff's office within 48 hours after any change in vehicles owned.

A career offender must register all changes to his or her home and cellular telephone numbers, including added and deleted numbers, and all changes to employment information, including the creation of a new business if self-employed, *in person at the sheriff's office*, or in person at the DOC if the career offender is in the custody or control, or under the supervision, of the DOC.

If a career offender is in the custody of the local jail, the custodian of the local jail must notify the FDLE within 3 business days after intake and upon release. The custodian must provide the FDLE with a digitized photograph of the career offender and notify the FDLE if the career offender dies or escapes from custody.

### ***Establishing A Residence in This State After Registration***

The bill amends s. 775.261(6), F.S., to specify that a career offender report in person to a driver license office:

- Each time a career offender's driver license or identification card is subject to renewal; and
- Without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent or temporary residence.

The DHSMV will forward to the FDLE and to the DOC all photographs and information provided by career offenders.

A career offender who is unable to secure or update a driver license or an identification card with the DHSMV shall also report any change in the career offender's permanent or temporary residence within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the DHSMV. The career offender still must obtain a Florida driver license or an identification card as required in this section.

A career offender must report an in-state travel residence within 48 hours after establishing the residence. The report must be made *in person at the sheriff's office in the county in which the career offender is located*, or in person at the DOC if the career offender is in the custody or control, or under the supervision of, the DOC.

A career offender who vacates a permanent, temporary or transient residence and fails to establish or maintain another permanent or temporary residence must, within 48 hours after vacating the permanent temporary or transient residence, report in person to the sheriff's office of the county in which he or she is located to provide specified information.

A career offender who remains at a permanent, temporary or transient residence after reporting his or her intent to vacate such residence must, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff must promptly convey the information to the department. An offender who makes a report notifying the sheriff's office that they are unable to locate residency, but fails to vacate the permanent or temporary residence as indicated commits a second degree felony.<sup>15</sup>

### ***Establishing a Non-Florida Residence***

The bill amends s. 775.261(7), F.S., to specify that any career offender that intends to establish a *permanent, temporary or transient* residence in another state or jurisdiction other than Florida must report in person to the sheriff of the county of current residence at least 48 hours before the date he or she intends to leave the state.

The bill amends s. 775.261(7), F.S., to specify that any travel that is not known by the career offender 48 hours before he or she intends to establish a residence in another state or jurisdiction must be reported in person to the sheriff's office as soon as possible before departure.

### ***Annual Reregistration Requirement***

The bill creates s. 775.261(8), F.S., to specify to provide that each year during the month of the career offender's birthday, a career offender must report in person to the sheriff's office in the county in which he or she maintains a permanent, temporary, or transient residence or is otherwise located to reregister. Reregistration must include any changes to:

- Name;
- Social security number;
- Race;
- Date of birth;
- Height;
- Weight;
- Hair and eye color;
- Tattoos or other identifying marks;
- Fingerprints;

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

- Palm prints;
- Photograph;
- Employment information;
- Address of permanent residence and address of any current temporary residence within the state or out of state;
- If he or she has no permanent or temporary address, any transient residence within this state;
- The address, location or description, and dates of any current or known future temporary residence within Florida or out of state;
- The make, model, color, VIN, and license tag number of all vehicles owned; and
- Home and cellular telephone numbers.
- If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status.
- The career offender must provide information about any professional licenses he or she has

The bill specifies that a post office box may not be provided in lieu of a physical address. Once the information is received by the sheriff, the information will be provided to the FDLE.

If the career offender's place of residence is a motor vehicle, trailer, mobile home, manufactured home, vessel, liveaboard vessel, or houseboat, the career offender must provide the specified information to the FDLE *through the sheriff's office*.

The sheriff's office must electronically submit all such information provided by the career offender within 2 business days after the career offender provides it to the sheriff's office. The FDLE will prescribe the manner in which the information is transmitted.

### ***Verification***

The bill creates s. 775.261(9), F.S., to specify that county and local law enforcement agencies, in conjunction with the FDLE, must, at a minimum, verify annually the addresses of career offenders who are not under the care, custody, control, or supervision of the DOC, and may verify the addresses of career offenders who are under the care, custody, control, or supervision of the DOC. Local law enforcement agencies must report to the FDLE any failure by a career offender to comply with registration requirements.

### ***Relief from Registration***

The bill amends s. 775.261, F.S., to specify that a career offender be considered for removal of the requirement to register only if he or she has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since that release. If the career offender meets the criteria in this section the career offender may petition the criminal division of the circuit court of the circuit in which the registered career offender resides for the purpose of removing the requirement for registration as a career offender.

The bill requires the FDLE, not only the state attorney in the circuit in which the petition is filed must be given notice of the hearing on the matter to present evidence in opposition to the relief.

***Community and Public Notification***

The bill provides that the FDLE is responsible for the online maintenance of the computer access to the current information regarding each registered career offender. The FDLE must maintain hotline access so that state, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for the purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

The bill specifies that the career offender registration list is a public record and the FDLE may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. The department must adopt guidelines as necessary regarding the registration of a career offender and the dissemination of information regarding a career offender as required by this section.

***Penalties***

The bill provides additional career offender registration violations to include:

- Failure to make a required report in connection with vacating a permanent residence, and
- Failure to respond to address verification correspondence or knowingly providing false registration information.

The bill specifies that each instance of failure to register or report changes to the required information specified constitutes a separate offense. A career offender who violates ss. 944.608, or 944.609, F.S., may be prosecuted in the county:

- Where the act or omission was committed.
- Of the last registered address of the career offender.
- In which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- In which he or she was designated a career offender.
- Where the career offender was released from incarceration.
- Of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

***Penalties for Assisting Career Offender in Noncompliance***

The bill increases the offense for assisting a career offender in noncompliance from a first degree misdemeanor to a third degree felony.<sup>16</sup>

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<sup>16</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

**Notification on Career Offenders – Section 944.608, F.S.**

The bill amends s. 944.608, F.S., to provide that the terms “permanent residence,” “temporary residence,” “transient residence,” “professional license,” and “vehicles owned,” have the same meaning as provided in s. 775.261, F.S.

A career offender who is under the supervision of the DOC but is not incarcerated must register with the DOC within 3 business days after sentencing and provide the specified information. The bill adds the following to the list of information that must be provided:

- Sex;
- Employment information required to be provided pursuant to s. 775.261, F.S.;
- All home and cellular telephone numbers required to be provided pursuant to s. 775.261, F.S.;
- The make, model, color, VIN, and license tag number of all vehicles owned;
- Address, location or description, and dates of any current or known future temporary residence within this state or out of state;
- If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status; and
- The career offender must provide information about any professional licenses he or she has.

The bill amends s. 775.261, F.S., to specify if the career offender’s place of residence is a vessel, live-aboard vessel, or houseboat as those terms are defined in ch. 327, F.S., he or she must provide the hull identification number; the manufacturer’s serial number; the name of the vessel, live-aboard vessel or houseboat to the FDLE *through the sheriff’s office*.

The sheriff’s office must electronically submit all such information provided by the career offender within 2 business days after the career offender provides it to the sheriff’s office. The FDLE will prescribe the manner in which the information is transmitted.

***Career Offenders In Custody***

If a career offender is in the custody of a local jail, the custodian of the local jail shall notify the FDLE within 3 business days after intake of the offender for any reason and upon release of the offender. The custodian of the local jail must also take a digitized photograph of the career offender while the offender remains in custody and must provide the digitized photograph to the FDLE.

If the career offender is under federal supervision, the federal agency responsible for supervising the career offender may forward to the FDLE any information regarding the career offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the FDLE for purposes of public notification.

***Penalties***

The bill amends s. 944.608(10)(b), F.S., to specify that a career offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in may be prosecuted in the county:

- Where the act or omission was committed.
- Of the last registered address of the career offender.
- In which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender.
- In which he or she was designated a career offender.
- Where the career offender was released from incarceration.
- Of the intended address of the career offender as reported by the offender before his or her release from incarceration.

The bill provides circumstances that constitute actual notice of the duty to register. Failure to register immediately after actual notice of the duty to register may constitute grounds for a subsequent charge of failure to register.

The bill amends s. 944.608(12), F.S., to provide that it is a third degree felony<sup>17</sup> for any person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section. The following are the prohibited acts that can lead to such a felony charge:

- Withholding information from, or failing to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the career offender.
- Harboring or attempting to harbor, or assisting another person in harboring or attempting to harbor, the career offender.
- Concealing or attempting to conceal, or assisting another person in concealing or attempting to conceal, the career offender.
- Providing information to the law enforcement agency regarding the career offender which the person knows to be false information

The bill amends s. 944.609, F.S., to provide that career offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.

The bill adds the following information that the DOC must provide on any career offender who is being released from incarceration:

- Tattoos or other identifying marks;
- The address of any planned permanent residence or temporary residence, any transient residence within this state;
- The address, location or description, and dates of any current or known future temporary residence within this state or out of state;

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<sup>17</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

- Palm prints;
- Employment information; and
- All home and cellular telephone numbers.
- If the career offender has a passport, he or she must produce the passport, and, if he or she is an alien, must produce or provide information about documents establishing immigration status; and
- The career offender must provide information about any professional licenses he or she has.

The bill takes effect on October 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 Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the

prison bed impact, if any, of legislation, has determined that the bill may have a positive significant prison bed on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per DOC, in FY 24-25, there were 38 new commitments to prison for failing to register or report changes to required information under s. 775.261, F.S. It is not known how many of these would include separate offenses under the new language. There were no new commitments for not reporting that they decided to remain in this state after indicating their intent to reside in a state or jurisdiction other than the State of Florida.
- Per FDLE, in FY 24-25, there was one arrest and no guilty convictions or adjudications withheld under the 1st degree misdemeanor for when someone assists a career offender in noncompliance.
- Per DOC, in FY 24-25, there were no new commitments under s. 944.608, F.S., when a career offender fails to take of a digitized photograph, or to otherwise comply with the requirements for the notification to the Department of Law Enforcement of information on career offenders. It is not known how the expanded requirements or the new felonies would increase the pool of offenders.
- Per DOC, in FY 24-25, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 9.7% and the incarceration rate for a Level 4, 2<sup>nd</sup> degree felony was 27.4%.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 322.141, 775.261, 944.608, 944.609

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>18</sup> Office of Economic and Demographic Research, *SB 1332- Career Offender Registration*, (on file with the Senate Committee on Criminal Justice).

By Senator Martin

33-00689D-26

20261332

1 A bill to be entitled  
 2 An act relating to career offender registration;  
 3 amending s. 322.141, F.S.; requiring a certain driver  
 4 license or identification marking for a career  
 5 offender; requiring a career offender to report to the  
 6 Department of Highway Safety and Motor Vehicles in a  
 7 certain month to obtain an updated or renewed driver  
 8 license or identification card; amending s. 775.261,  
 9 F.S.; providing and revising definitions; providing  
 10 that if a sanction is not imposed upon a career  
 11 offender, such offender is deemed to have been  
 12 released upon conviction; requiring a career offender  
 13 to report in person at the sheriff's office for  
 14 initial registration; revising the time of such  
 15 report; revising information and documentation  
 16 required upon initial registration; specifying that  
 17 information and documents are provided to the  
 18 Department of Law Enforcement through the sheriff's  
 19 office; specifying the manner in which changes to a  
 20 career offender's information must be reported;  
 21 requiring certain career offenders to report to the  
 22 Department of Highway Safety and Motor Vehicles and  
 23 obtain a driver license or identification card  
 24 containing a required marking within a certain period  
 25 of time; revising the information and documentation  
 26 certain career offenders must provide to the  
 27 Department of Highway Safety and Motor Vehicles when  
 28 reporting; requiring a career offender to report  
 29 changes to any information provided upon initial

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30 registration within certain periods of time; requiring  
 31 the custodian of a jail to notify the Department of  
 32 Law Enforcement within a certain period of time if  
 33 such custodian has a career offender in his or her  
 34 custody and upon release of such offender; requiring  
 35 such custodian to take a digitized photograph of the  
 36 career offender and provide it to the Department of  
 37 Law Enforcement; requiring the custodian to notify the  
 38 Department of Law Enforcement if a career offender  
 39 escapes or dies; specifying the procedure for a career  
 40 offender to establish a residence after initial  
 41 registration; requiring the Department of Highway  
 42 Safety and Motor Vehicles to forward photographs and  
 43 certain information to the Department of Law  
 44 Enforcement and the Department of Corrections;  
 45 authorizing the Department of Highway Safety and Motor  
 46 Vehicles to release certain images to the Department  
 47 of Law Enforcement for purposes of public  
 48 notification; requiring that certain career offenders  
 49 report changes to certain information to the sheriff's  
 50 office within a certain period of time; requiring a  
 51 career offender to report an in-state travel residence  
 52 within a certain period of time; requiring a career  
 53 offender who vacates a residence and does not  
 54 establish another residence to report certain  
 55 information in person within a certain period of time;  
 56 requiring a career offender who remains at an address  
 57 that such offender previously reported he or she was  
 58 vacating to report such information in person within a

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59 certain period of time; requiring the sheriff's office  
 60 to report such information to the Department of Law  
 61 Enforcement; removing a provision relating to the  
 62 registration of a career offender at an office of the  
 63 Department of Law Enforcement; revising procedures for  
 64 establishing a residence outside this state; requiring  
 65 a career offender to report previously unknown travel  
 66 in person to the sheriff's office as soon as possible  
 67 before departure; revising the entities to which the  
 68 career offender must provide certain residence  
 69 information; requiring annual reregistration of career  
 70 offenders during a certain month; specifying  
 71 information that a career offender must provide upon  
 72 reregistration; requiring the sheriff's office to  
 73 electronically submit to and update with the  
 74 Department of Law Enforcement such information within  
 75 a specified timeframe; requiring certain governmental  
 76 entities to verify certain career offender information  
 77 at least once per year; requiring local law  
 78 enforcement agencies to report to the Department of  
 79 Law Enforcement failure by a career offender to comply  
 80 with registration requirements; providing that certain  
 81 career offenders shall be considered for removal of  
 82 registration requirements in certain circumstances;  
 83 revising the location in which a career offender may  
 84 petition for such removal; requiring notice to the  
 85 Department of Law Enforcement of such petition within  
 86 a certain time period; authorizing the Department of  
 87 Law Enforcement to present evidence in opposition to

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88 removal; revising the circumstances in which a sheriff  
 89 or chief of police may notify the community of the  
 90 presence of a career offender; prohibiting the  
 91 Department of Law Enforcement from publicly displaying  
 92 information about a vehicle owned by a person who is  
 93 not required to register as a career offender;  
 94 revising the manner in which career offender addresses  
 95 are verified and reported by law enforcement agencies;  
 96 expanding circumstances under which a failure to  
 97 report can result in a criminal offense; providing  
 98 that a career offender commits a separate offense for  
 99 each failure to register or report a piece of  
 100 information; expanding the jurisdictions in which a  
 101 career offender may be prosecuted for an act or  
 102 omission; specifying what events constitute actual  
 103 notice of the duty to register; providing that the  
 104 failure to immediately register upon the occurrence of  
 105 such events is grounds for a subsequent charge of  
 106 failure to register; restricting a career offender  
 107 from claiming a lack of notice as a defense in certain  
 108 circumstances; enhancing the penalty for assisting in  
 109 career offender noncompliance; amending s. 944.608,  
 110 F.S.; defining terms; requiring certain career  
 111 offenders under the supervision of the Department of  
 112 Corrections to provide certain information after  
 113 sentencing; requiring the Department of Corrections to  
 114 report to the Department of Law Enforcement any  
 115 failure of a career offender to comply with  
 116 registration requirements; requiring a career offender

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

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117 to report to the sheriff's office any vehicle changes  
 118 within a certain period of time; revising the  
 119 information the Department of Corrections is required  
 120 to provide to the Department of Law Enforcement  
 121 relating to career offenders; requiring the custodian  
 122 of a jail to notify the Department of Law Enforcement  
 123 within a certain period of time if such custodian has  
 124 a career offender in his or her custody and upon  
 125 release of such offender; requiring such custodian to  
 126 take a digitized photograph of the career offender and  
 127 provide it to the Department of Law Enforcement;  
 128 providing that a federal agency responsible for  
 129 supervising a career offender may forward certain  
 130 information about the offender to the Department of  
 131 Law Enforcement; providing that such federal agency  
 132 may indicate whether use of the information is  
 133 restricted to law enforcement purposes only or may be  
 134 used for purposes of public notification; requiring a  
 135 certain driver license or identification marking for a  
 136 career offender who is under supervision but is not  
 137 incarcerated; expanding the jurisdictions in which a  
 138 career offender may be prosecuted for an act or  
 139 omission; specifying what events constitute actual  
 140 notice of the duty to register; providing that the  
 141 failure to immediately register upon the occurrence of  
 142 such events is grounds for a subsequent charge of  
 143 failure to register; restricting a career offender  
 144 from claiming a lack of notice as a defense in certain  
 145 circumstances; creating offenses and penalties for

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146 assisting in career offender noncompliance with  
 147 provisions relating to notification to the Department  
 148 of Law Enforcement; specifying that such offenses and  
 149 penalties do not apply if a career offender is  
 150 incarcerated in or is in the custody of certain  
 151 facilities; requiring annual reregistration of career  
 152 offenders during a certain month; specifying  
 153 information that a career offender must provide upon  
 154 reregistration; providing penalties; requiring the  
 155 sheriff's office to electronically submit to and  
 156 update with the Department of Law Enforcement such  
 157 information within a specified timeframe; amending s.  
 158 944.609, F.S.; defining terms; providing legislative  
 159 findings; specifying information the Department of  
 160 Corrections must provide upon release of a career  
 161 offender within a certain period of time; requiring  
 162 the Department of Corrections or any law enforcement  
 163 agency to notify the community of the presence of a  
 164 sexual predator in the community when a career  
 165 offender who is also designated as a sexual predator  
 166 is in such community; providing an effective date.  
 167  
 168 Be It Enacted by the Legislature of the State of Florida:  
 169  
 170 Section 1. Subsections (3) and (4) of section 322.141,  
 171 Florida Statutes, are amended to read:  
 172 322.141 Color or markings of certain licenses or  
 173 identification cards.—  
 174 (3) All licenses for the operation of motor vehicles or

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identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction, or who are designated as career offenders under s. 775.261 or s. 944.608, shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking "SEXUAL PREDATOR."

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking "943.0435, F.S."

(c) For a person designated as a career offender under s. 775.261 or s. 944.608, the marking "775.261, F.S."

(4) (a) Unless previously secured or updated, each sexual offender and sexual predator shall report to the department during the month of his or her reregistration as required under s. 775.21(8), s. 943.0435(14), or s. 944.607(13) in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

(b) Unless previously secured or updated as required by subsection (3), each career offender shall report to the department during the month of his or her birth in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

Section 2. Section 775.261, Florida Statutes, is amended to

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read:

775.261 The Florida Career Offender Registration Act.—

(1) SHORT TITLE.—This section may be cited as "The Florida Career Offender Registration Act."

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

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

(b) "Chief of police" means the chief law enforcement officer of a municipality.

(c) "Community" means any county where the career offender lives or otherwise establishes or maintains a permanent, temporary, or transient ~~permanent~~ residence.

(d) "Department" means the Department of Law Enforcement.

(e) "Entering the county" includes being discharged from a correctional facility, jail, or secure treatment facility within the county or being under supervision within the county with a career-offender designation as specified in paragraph (a).

(f) "Permanent residence" means a place where the career offender abides, lodges, or resides for 3 ~~14~~ or more consecutive days that is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence under this paragraph, the first day that a career offender abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(g) "Professional license" means the document of authorization or certification issued by an agency of this state

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for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business.

~~(h) 1. (g)~~ "Temporary residence" means:

1. a place where the career offender abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for 3 a period of 14 or more days in the aggregate during any calendar year that and which is not the person's career offender's permanent or transient residence. The term includes an in-state travel residence. ~~address.~~

2. For a career offender whose permanent residence is not in this state, the term also includes a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state. For the purpose of calculating a temporary residence under this paragraph, the first day that a career offender abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day. ~~or~~

2. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state.

~~3. A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender's permanent residence, including any out-of-state address.~~

(i) "Transient residence" means a county where the career

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offender lives, remains, or is located for the purpose of abiding, lodging, or residing for a period of 3 or more days in the aggregate during a calendar year that is not the person's permanent or temporary residence. The term includes, but is not limited to, a place where the career offender sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a day under this paragraph, the first day that a career offender lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

(j) "Vehicles owned" means any motor vehicle as defined in s. 320.01 which is registered, coregistered, leased, titled, or rented by a career offender; a rented vehicle that a career offender is authorized to drive; or a vehicle for which a career offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01 which is registered, coregistered, leased, titled, or rented by a person or persons residing at a career offender's permanent residence for 5 or more consecutive days.

(3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

(a) A career offender released on or after July 1, 2002, from a sanction imposed in this state must register as required under this section subsection (4) and is subject to community and public notification as provided under subsection ~~(11)~~ (5). If no sanction is imposed, the person is deemed to be released upon conviction. For purposes of this section, a sanction imposed in this state ~~means includes, but is not limited to, a fine,~~ probation, community control, parole, conditional release,

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control release, or incarceration in a state prison, federal  
prison, contractor-operated correctional facility, or local  
 detention facility, and:

1. The career offender has not received a pardon for any  
 felony or other qualified offense that is necessary for the  
 operation of this paragraph; or

2. 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) This section does not apply to any person who has been  
 designated as a sexual predator and who is required to register  
 under s. 775.21 or who is required to register as a sexual  
 offender under s. 943.0435 or s. 944.607. However, if a person  
 is no longer required to register as a sexual predator under s.  
 775.21 or as a sexual offender under s. 943.0435 or s. 944.607,  
 the person must register as a career offender under this section  
 if the person is otherwise designated as a career offender as  
 provided in this section.

(c) A person subject to registration as a career offender  
 is not subject to registration as a convicted felon under s.  
 775.13. However, if the person is no longer required to register  
 as a career offender under this section, the person must  
 register under s. 775.13 if required to do so under that  
 section.

(d) If a career offender is not sentenced to a term of  
 imprisonment, the clerk of the court shall ensure that the  
 career offender's fingerprints are taken and forwarded to the  
 department within 48 hours after the court renders its finding  
 that an offender is a career offender. The fingerprints shall be

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clearly marked, "Career Offender Registration."

(4) INITIAL REGISTRATION.—Upon initial registration, a  
career offender shall:

(a) ~~Report in person at A career offender must register~~  
~~with the department by providing the following information to~~  
~~the department, or to the sheriff's office:~~

1. In the county in which the career offender establishes  
 or maintains a permanent, ~~or~~ temporary, or transient residence,  
 within 48 hours ~~2 working days~~ after:

a. Establishing a permanent, ~~or~~ temporary, or transient  
 residence in this state; or

b. ~~Within 2 working days after~~ Being released from the  
 custody, control, or supervision of the Department of  
 Corrections or from the custody of a contractor-operated  
 correctional facility or local detention facility; or

2. In the county where he or she was convicted within 48  
 hours after being convicted for a qualifying offense for  
 registration under this section if the offender is not in the  
 custody or control of, or under the supervision of, the  
 Department of Corrections, or is not in the custody of a  
 contractor-operated correctional facility or local detention  
 facility.

(b)1. Provide his or her name; social security number;  
~~age;~~ ~~race;~~ ~~sex;~~ ~~gender;~~ date of birth; height; weight; hair  
and eye color; tattoos or other identifying marks; fingerprints;  
palm prints; photograph; employment information, including  
occupation, business name, employment address, and telephone  
number; address of permanent or legal residence and address of  
 any current temporary residence, within the state or out of

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349 state, including a rural route address and ~~or~~ a post office box;  
 350 if he or she has no permanent or temporary address, any  
 351 transient residence within this state; address, location or  
 352 description, and dates of any current or known future temporary  
 353 residence within this state or out of state; the make, model,  
 354 color, vehicle identification number (VIN), and license tag  
 355 number of all vehicles owned; all home telephone numbers and  
 356 cellular telephone numbers; ~~date and place of any employment,~~  
 357 ~~date and place of each conviction;~~ ~~fingerprints,~~ and a brief  
 358 description of the crime or crimes committed by the career  
 359 offender. A ~~career offender may not provide~~ a post office box  
 360 may not be provided in lieu of a physical residential address.  
 361 The career offender shall also produce his or her passport, if  
 362 he or she has a passport, and, if he or she is an alien, shall  
 363 produce or provide information about documents establishing his  
 364 or her immigration status. The career offender shall also  
 365 provide information about any professional licenses he or she  
 366 has.

367 2. If the career offender's place of residence is a motor  
 368 vehicle, trailer, mobile home, or manufactured home, as those  
 369 terms are defined in chapter 320, the career offender shall also  
 370 provide to the department through the sheriff's office written  
 371 notice of the vehicle identification number (VIN); the license  
 372 tag number; the registration number; and a description,  
 373 including color scheme, of the motor vehicle, trailer, mobile  
 374 home, or manufactured home. If a career offender's place of  
 375 residence is a vessel, live-aboard vessel, or houseboat, as  
 376 those terms are defined in chapter 327, the career offender  
 377 shall also provide to the department through the sheriff's

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378 office written notice of the hull identification number; the  
 379 manufacturer's serial number; the name of the vessel, live-  
 380 aboard vessel, or houseboat; the registration number of the  
 381 vessel, live-aboard vessel, or houseboat; and a description,  
 382 including color scheme, of the vessel, live-aboard vessel, or  
 383 houseboat.

384 3. Any change in any of the information required to be  
 385 provided pursuant to this paragraph, including, but not limited  
 386 to, any change in the career offender's permanent, temporary, or  
 387 transient residence; name; home telephone numbers and cellular  
 388 telephone numbers; employment information; and vehicles owned  
 389 after the career offender reports in person at the sheriff's  
 390 office must be reported in the manner provided in subsections  
 391 (5)-(8).

392 (c) 2- Provide any other information determined necessary by  
 393 the department, including criminal and corrections records;  
 394 nonprivileged personnel and treatment records; and evidentiary  
 395 genetic markers, when available. When

396 ~~(b)~~ If a career offender registers with the sheriff's  
 397 office, the sheriff shall take a photograph, ~~and~~ a set of  
 398 fingerprints, and palm prints of the career offender and forward  
 399 the photographs, ~~and~~ fingerprints, and palm prints to the  
 400 department, along with the information that the career offender  
 401 is required to provide pursuant to this section. The sheriff  
 402 shall promptly provide to the department the information  
 403 received from the career offender.

404 (d) (c) Within 48 hours ~~2 working days~~ after the report  
 405 registration required under this subsection ~~paragraph (a)~~, a  
 406 career offender who is not incarcerated and who resides in the

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community, including a career offender under the supervision of the Department of Corrections pursuant to s. 944.608, shall report register in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with s. 322.141(3) was previously secured or updated under s. 944.608 and shall present proof of registration. At the driver license office, the career offender shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The career offender shall identify himself or herself as a career offender who is required to comply with this section and shall provide proof that the career offender reported as required in this subsection. The career offender shall provide any of the information specified in this subsection, if requested. The career offender shall submit to the taking of a photograph for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of career offenders, provide his or her place of permanent or temporary residence, including a rural route address or a post office box, and submit to the taking of a photograph for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of career offenders. The career offender may not provide a post office box in lieu of a physical residential address. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the career offender shall also provide to the Department of Highway Safety and Motor Vehicles

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~~the vehicle identification number; the license tag number; the motor vehicle registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a career offender's place of residence is a vessel, live aboard vessel, or houseboat, as defined in chapter 327, the career offender shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live aboard vessel, or houseboat.~~

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must be in compliance with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the career offender, including a set of fingerprints.

(5) MAINTAINING REGISTRATION.-

(a)(d) Each time a career offender's driver license or identification card is subject to renewal, and, without regard to the status of the career offender's driver license or identification card, within 48 hours ~~2 working days~~ after any change of the career offender's residence or change in the career offender's name by reason of marriage or other legal process, the career offender must report in person to a driver license office, and shall be subject to the requirements specified in paragraph (4)(d) ~~(e)~~. The Department of Highway

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Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by career offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the department for purposes of public notification of career offenders as provided in this section and ss. 775.26 and 944.609. A career offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (4)(d) and this subsection shall report any change in the career offender's name by reason of marriage or other legal process within 48 hours after the change in person to the sheriff's office in the county where the career offender resides or is located. The reporting requirements under this paragraph do not negate the requirement for a career offender to obtain a Florida driver license or an identification card as required in this section.

(b) A career offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(c) A career offender shall register all changes to his or her home telephone numbers and cellular telephone numbers, including added and deleted numbers, and all changes to employment information, including the creation of a new business if self-employed, in person at the sheriff's office, or in person at the Department of Corrections if the career offender is in the custody or control, or under the supervision, of the Department of Corrections. All changes required to be reported

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under this paragraph must be reported within 48 hours after the change.

(d) If the career offender is in the custody of a local jail, the custodian of the local jail shall notify the department within 3 business days after intake of the career offender for any reason and upon release. The custodian of the local jail shall also take a digitized photograph of the career offender while the career offender remains in custody and shall provide the digitized photograph to the department. The custodian shall notify the department if the career offender escapes from custody or dies.

(6) ESTABLISHING A RESIDENCE WITHIN THIS STATE AFTER INITIAL REGISTRATION.-

(a) Each time a career offender's driver license or identification card is subject to renewal, and, without regard to the status of the career offender's driver license or identification card, within 48 hours after any change in the career offender's permanent, temporary, or transient residence, the career offender must report in person to a driver license office and shall be subject to the requirements specified in paragraph (4)(d). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by career offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the department for purposes of public notification of career offenders as provided in this section and ss. 775.26 and 944.609. A career offender who is unable to

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523 secure or update a driver license or an identification card with  
 524 the Department of Highway Safety and Motor Vehicles as provided  
 525 in paragraph (4) (d) and this subsection shall report any change  
 526 in the career offender's permanent, temporary, or transient  
 527 residence within 48 hours after the change in person to the  
 528 sheriff's office in the county where the career offender resides  
 529 or is located. The reporting requirements under this paragraph  
 530 do not negate the requirement for a career offender to obtain a  
 531 Florida driver license or an identification card as required in  
 532 this section. This paragraph does not apply to an in-state  
 533 travel residence.

534 (b) A career offender shall report an in-state travel  
 535 residence within 48 hours after establishing the residence. The  
 536 report shall be made in person at the sheriff's office in the  
 537 county in which the career offender is located, or in person at  
 538 the Department of Corrections if the career offender is in the  
 539 custody or control, or under the supervision of, the Department  
 540 of Corrections.

541 (c) A career offender who vacates a permanent, temporary,  
 542 or transient residence and fails to establish or maintain  
 543 another permanent, temporary, or transient residence shall,  
 544 within 48 hours after vacating the permanent, temporary, or  
 545 transient residence, report in person to the sheriff's office of  
 546 the county in which he or she is located. The career offender  
 547 shall specify the date upon which he or she intends to or did  
 548 vacate such residence. The career offender must provide or  
 549 update all of the registration information required under  
 550 paragraph (4) (b). The career offender must provide an address  
 551 for the residence or other place where he or she is or will be

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552 located during the time in which he or she fails to establish or  
 553 maintain a permanent, temporary, or transient residence.

554 (d) A career offender who remains at a permanent,  
 555 temporary, or transient residence after reporting his or her  
 556 intent to vacate such residence shall, within 48 hours after the  
 557 date upon which the career offender indicated he or she would or  
 558 did vacate such residence, report in person to the agency to  
 559 which he or she reported pursuant to paragraph (c) for the  
 560 purpose of reporting his or her address at such residence. When  
 561 the sheriff receives the report, the sheriff shall promptly  
 562 provide the information to the department. An offender who makes  
 563 a report as required under paragraph (c) but fails to make a  
 564 report as required under this paragraph commits a felony of the  
 565 second degree, punishable as provided in s. 775.082, s. 775.083,  
 566 or s. 775.084.

567 (7) ESTABLISHING A NON-FLORIDA RESIDENCE.-

568 ~~(e) If the career offender registers at an office of the~~  
 569 ~~department, the department must notify the sheriff and, if~~  
 570 ~~applicable, the police chief of the municipality, where the~~  
 571 ~~career offender maintains a residence within 48 hours after the~~  
 572 ~~career offender registers with the department.~~

573 (a)-(f) A career offender who intends to establish a  
 574 permanent, temporary, or transient residence in another state or  
 575 jurisdiction other than the State of Florida shall report in  
 576 person to the sheriff of the county of current residence at  
 577 least 48 hours or the department within 2 working days before  
 578 the date he or she intends to leave this state to establish  
 579 residence in another state or jurisdiction other than the State  
 580 of Florida. Any travel that is not known by the career offender

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581 48 hours before he or she intends to establish a residence in  
 582 another state or jurisdiction must be reported in person to the  
 583 sheriff's office as soon as possible before departure. If the  
 584 career offender is under the supervision of the Department of  
 585 Corrections, the career offender shall notify the supervising  
 586 probation officer of his or her intent to transfer supervision,  
 587 satisfy all transfer requirements pursuant to the Interstate  
 588 Compact for Supervision of Adult Offenders, as provided in s.  
 589 949.07, and abide by the decision of the receiving jurisdiction  
 590 to accept or deny transfer. The career offender must provide to  
 591 the sheriff ~~or department~~ the address, municipality, county, and  
 592 state or jurisdiction of intended residence. The sheriff shall  
 593 promptly provide to the department the information received from  
 594 the career offender. The failure of a career offender to provide  
 595 his or her intended place of residence is punishable as provided  
 596 in subsection (13) ~~(8)~~.

597 (b)(g) A career offender who indicates his or her intent to  
 598 establish a permanent, temporary, or transient residence ~~reside~~  
 599 in another a state or jurisdiction other than the State of  
 600 Florida and later decides to remain in this state shall, within  
 601 48 hours 2-working-days after the date upon which the career  
 602 offender indicated he or she would leave this state, report in  
 603 person to the sheriff's office ~~sheriff or the department,~~  
 604 ~~whichever agency is the agency~~ to which the career offender  
 605 reported the intended change of permanent, temporary, or  
 606 transient residence and report, ~~of~~ his or her intent to remain  
 607 in this state. ~~If the sheriff is notified by the career offender~~  
 608 ~~that he or she intends to remain in this state,~~ The sheriff  
 609 shall promptly report this information to the department. A

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610 career offender who reports his or her intent to establish a  
 611 permanent, temporary, or transient residence ~~reside~~ in another a  
 612 state or jurisdiction other than the State of Florida, but who  
 613 remains in this state without reporting to the sheriff ~~or the~~  
 614 ~~department~~ in the manner required by this paragraph, commits a  
 615 felony of the second degree, punishable as provided in s.  
 616 775.082, s. 775.083, or s. 775.084.

617 (8) ANNUAL REREGISTRATION REQUIREMENT.—

618 (a) A career offender must report in person each year  
 619 during the month of the career offender's birthday to the  
 620 sheriff's office in the county in which he or she maintains a  
 621 permanent, temporary, or transient residence or is otherwise  
 622 located to reregister.

623 (b) The sheriff's office may determine the appropriate  
 624 times and days for reporting by the career offender, which must  
 625 be consistent with the reporting requirements of this  
 626 subsection. Reregistration must include any changes to the  
 627 following information:

628 1. Name; social security number; race; sex; date of birth;  
 629 height; weight; hair and eye color; tattoos or other identifying  
 630 marks; fingerprints; palm prints; photograph; employment  
 631 information, including occupation, business name, employment  
 632 address, and telephone number; address of permanent residence  
 633 and address of any current temporary residence, within the state  
 634 or out of state, including a rural route address and a post  
 635 office box; if he or she has no permanent or temporary address,  
 636 any transient residence within this state; address, location or  
 637 description, and dates of any current or known future temporary  
 638 residence within the state or out of state; the make, model,

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color, vehicle identification number (VIN), and license tag number of all vehicles owned; and all home telephone numbers and cellular telephone numbers. A post office box may not be provided in lieu of a physical residential address. The career offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The career offender shall also provide information about any professional licenses he or she has.

2. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as those terms are defined in chapter 320, the career offender shall also provide the vehicle identification number (VIN); the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the career offender's place of residence is a vessel, live-aboard vessel, or houseboat, as those terms are defined in chapter 327, the career offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number of the vessel, live-aboard vessel, or houseboat; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(c) The sheriff's office shall electronically submit to and update with the department, in a manner prescribed by the department, all such information provided by the career offender within 2 business days after the career offender provides it to the sheriff's office.

(9) VERIFICATION.—County and local law enforcement

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agencies, in conjunction with the department, shall verify the addresses of career offenders who are not under the care, custody, control, or supervision of the Department of Corrections at least one time per calendar year, and may verify the addresses of career offenders who are under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a career offender to comply with registration requirements.

~~(h)1.~~ The department shall maintain online computer access to the current information regarding each registered career offender. The department must maintain hotline access so that state, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

2. The department's career offender registration list, containing the information described in subparagraph (a)1., is a public record. The department may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. When the department provides information regarding a career offender to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a career offender cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a career offender to facilitate the

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697 ~~commission of a crime.~~

698 ~~3. The department shall adopt guidelines as necessary~~  
 699 ~~regarding the registration of a career offender and the~~  
 700 ~~dissemination of information regarding a career offender as~~  
 701 ~~required by this section.~~

702 ~~(10)(i)~~ RELIEF FROM REGISTRATION.—A career offender must  
 703 maintain registration with the department for the duration of  
 704 his or her life, unless the career offender has received a full  
 705 pardon or has had a conviction set aside in a postconviction  
 706 proceeding for any offense or offenses that ~~meet~~ meets the  
 707 criteria for classifying the person as a career offender for  
 708 purposes of registration. However, a ~~registered~~ career offender  
 709 shall be considered for removal of the requirement to register  
 710 as a career offender only if he or she ~~who~~ has been lawfully  
 711 released from confinement, supervision, or sanction, whichever  
 712 is later, for at least 20 years and has not been arrested for  
 713 any felony or misdemeanor offense since release.

714 (a) If the career offender meets the criteria in this  
 715 subsection, the career offender may, for the purpose of removing  
 716 the requirement for registration as a career offender, petition  
 717 the criminal division of the circuit court of the circuit in  
 718 which the ~~registered~~ career offender designation initially  
 719 occurred ~~resides~~ for the purpose of removing the requirement for  
 720 registration as a career offender.

721 (b) The court may grant or deny such relief if the  
 722 ~~registered~~ career offender demonstrates to the court that he or  
 723 she has not been arrested for any crime since release and the  
 724 court is otherwise satisfied that the ~~registered~~ career offender  
 725 is not a current or potential threat to public safety. The

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726 department and the state attorney in the circuit in which the  
 727 petition is filed must be given notice of the petition at least  
 728 3 weeks before the hearing on the matter. The department and the  
 729 state attorney may present evidence in opposition to the  
 730 requested relief or may otherwise demonstrate the reasons why  
 731 the petition should be denied. If the court denies the petition,  
 732 the court may set a future date at which the ~~registered~~ career  
 733 offender may again petition the court for relief, subject to the  
 734 standards for relief provided in this subsection ~~paragraph~~.

735 (c) The department shall remove a person from  
 736 classification as a career offender for purposes of registration  
 737 if the person provides to the department a certified copy of the  
 738 court's written findings or order that indicates that the person  
 739 is no longer required to comply with the requirements for  
 740 registration as a career offender.

741 ~~(11)(5)~~ COMMUNITY AND PUBLIC NOTIFICATION.—

742 (a) Law enforcement agencies may inform the community and  
 743 the public of the presence of a career offender in the  
 744 community. Upon notification of the presence of a career  
 745 offender, the sheriff of the county or the chief of police of  
 746 the municipality where the career offender establishes or  
 747 maintains a permanent, ~~or~~ temporary, or transient residence may  
 748 notify the community and the public of the presence of the  
 749 career offender in a manner deemed appropriate by the sheriff or  
 750 the chief of police.

751 (b) The sheriff or the police chief may coordinate the  
 752 community and public notification efforts with the department.  
 753 Statewide notification to the public is authorized, as deemed  
 754 appropriate by local law enforcement personnel and the

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755 department.

756 (c)1. The department is responsible for the online  
 757 maintenance of the current information regarding each career  
 758 offender. The department must maintain hotline access for state,  
 759 local, and federal law enforcement agencies to obtain  
 760 instantaneous locator file and criminal characteristics  
 761 information on release and registration of career offenders for  
 762 the purposes of monitoring, tracking, and prosecution. The  
 763 photograph and fingerprints need not be stored in a computerized  
 764 format.

765 2. The department's career offender registration list is a  
 766 public record. The department may disseminate this public  
 767 information by any means deemed appropriate, including operating  
 768 a toll-free telephone number for this purpose. When the  
 769 department provides information regarding a career offender to  
 770 the public, department personnel must advise the person making  
 771 the inquiry that positive identification of a person believed to  
 772 be a career offender cannot be established unless a fingerprint  
 773 comparison is made, and that it is illegal to use public  
 774 information regarding a career offender to facilitate the  
 775 commission of a crime.

776 3. The department shall adopt guidelines as necessary  
 777 regarding the registration of a career offender and the  
 778 dissemination of information regarding a career offender as  
 779 required by this section. However, the department may not  
 780 display on or disseminate through the Internet public registry  
 781 maintained by the department any information regarding a vehicle  
 782 that is owned by a person who is not required to register as a  
 783 career offender.

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784 ~~(6) VERIFICATION. The department and the Department of~~  
 785 ~~Corrections shall implement a system for verifying the addresses~~  
 786 ~~of career offenders. The sheriff of each county shall annually~~  
 787 ~~verify the addresses of career offenders who are not under the~~  
 788 ~~care, custody, control, or supervision of the Department of~~  
 789 ~~Corrections. The sheriff shall promptly provide the address~~  
 790 ~~verification information to the department in an electronic~~  
 791 ~~format. The address verification information must include the~~  
 792 ~~verifying person's name, agency, and phone number, the date of~~  
 793 ~~verification, and the method of verification, and must specify~~  
 794 ~~whether the address information was verified as correct,~~  
 795 ~~incorrect, or unconfirmed.~~

796 (12)(7) IMMUNITY. The department, the Department of Highway  
 797 Safety and Motor Vehicles, the Department of Corrections, any  
 798 law enforcement agency in this state, and the personnel of those  
 799 departments; an elected or appointed official, public employee,  
 800 or school administrator; or an employee, agency, or any  
 801 individual or entity acting at the request or upon the direction  
 802 of any law enforcement agency is immune from civil liability for  
 803 damages for good faith compliance with the requirements of this  
 804 section or for the release of information under this section and  
 805 shall be presumed to have acted in good faith in compiling,  
 806 recording, reporting, or releasing the information. The  
 807 presumption of good faith is not overcome if a technical or  
 808 clerical error is made by the department, the Department of  
 809 Highway Safety and Motor Vehicles, the Department of  
 810 Corrections, the personnel of those departments, or any  
 811 individual or entity acting at the request or upon the direction  
 812 of any of those departments in compiling or providing

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813 information, or if information is incomplete or incorrect  
 814 because a career offender fails to report or falsely reports his  
 815 or her current place of permanent, ~~or~~ temporary, or transient  
 816 residence.

817 ~~(13)(b)~~ PENALTIES.—

818 (a) Except as otherwise specifically provided, a career  
 819 offender who fails to register; who fails, after registration,  
 820 to maintain, acquire, or renew a driver license or an  
 821 identification card; who fails to provide required location  
 822 information or change-of-name information; who fails to provide  
 823 all home telephone numbers and cellular telephone numbers; who  
 824 fails to report any changes to employment information, including  
 825 the addition of new employment, termination of existing  
 826 employment, and changes to the occupation, business name,  
 827 employment address, and telephone number of previously reported  
 828 employment; who fails to report any changes to vehicles owned,  
 829 including the addition of new vehicles and changes to the make,  
 830 model, color, vehicle identification number (VIN), and license  
 831 tag numbers of previously reported vehicles; who fails to make a  
 832 required report in connection with vacating a permanent  
 833 residence; who fails to reregister as required; who fails to  
 834 respond to any address verification correspondence from the  
 835 department or from county or local law enforcement agencies  
 836 within 3 weeks after the date of the correspondence; who  
 837 knowingly provides false registration information by act or  
 838 omission; or who otherwise fails, by act or omission, to comply  
 839 with the requirements of this section, commits a felony of the  
 840 third degree, punishable as provided in s. 775.082, s. 775.083,  
 841 or s. 775.084. Each instance of failure to register or report

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842 changes to the required information specified in this paragraph  
 843 constitutes a separate offense.

844 (b) A career offender who commits any act or omission in  
 845 violation of this section, s. 944.608, or s. 944.609 may be  
 846 prosecuted for the act or omission in the county in which the  
 847 act or omission was committed, in the county of the last  
 848 registered address of the career offender, in the county in  
 849 which the conviction occurred for the offense or offenses that  
 850 meet the criteria for designating a person as a career offender,  
 851 in the county in which he or she was designated a career  
 852 offender, in the county where the career offender was released  
 853 from incarceration, or in the county of the intended address of  
 854 the career offender as reported by the offender before his or  
 855 her release from incarceration.

856 (c) An arrest on charges of failure to register when the  
 857 career offender has been provided and advised of his or her  
 858 statutory obligations to register under this section, the  
 859 service of an information or a complaint for a violation of this  
 860 section, or an arraignment on charges for a violation of this  
 861 section constitutes actual notice of the duty to register. A  
 862 career offender's failure to register immediately as required by  
 863 this section following such arrest, service, or arraignment  
 864 constitutes grounds for a subsequent charge of failure to  
 865 register. A career offender charged with the crime of failure to  
 866 register who asserts, or intends to assert, a lack of notice of  
 867 the duty to register as a defense to a charge of failure to  
 868 register shall immediately register as required by this section.  
 869 A career offender who is charged with a subsequent failure to  
 870 register may not assert the defense of a lack of notice of the

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871 duty to register. Registration following such arrest, service,  
 872 or arraignment is not a defense and does not relieve the career  
 873 offender of criminal liability for the failure to register.

874 (d) (b) Any person who misuses public records information  
 875 concerning a career offender, as defined in this section, or a  
 876 career offender, as defined in s. 944.608 or s. 944.609, to  
 877 secure a payment from such career offender; who knowingly  
 878 distributes or publishes false information concerning such a  
 879 career offender which the person misrepresents as being public  
 880 records information; or who materially alters public records  
 881 information with the intent to misrepresent the information,  
 882 including documents, summaries of public records information  
 883 provided by law enforcement agencies, or public records  
 884 information displayed by law enforcement agencies on websites or  
 885 provided through other means of communication, commits a  
 886 misdemeanor of the first degree, punishable as provided in s.  
 887 775.082 or s. 775.083.

888 ~~(9) PROSECUTIONS FOR ACTS OR OMISSIONS. A career offender~~  
 889 ~~who commits any act or omission in violation of this section, s.~~  
 890 ~~944.608, or s. 944.609 may be prosecuted for the act or omission~~  
 891 ~~in the county in which the act or omission was committed, the~~  
 892 ~~county of the last registered address of the career offender,~~  
 893 ~~the county in which the conviction occurred for the offense or~~  
 894 ~~offenses that meet the criteria for designating a person as a~~  
 895 ~~career offender, or in the county in which he or she was~~  
 896 ~~designated a career offender.~~

897 (14) (10) PENALTIES FOR ASSISTING IN CAREER OFFENDER  
 898 NONCOMPLIANCE. Any It is a misdemeanor of the first degree,  
 899 punishable as provided in s. 775.082 or s. 775.083, for a person

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900 who has reason to believe that a career offender is not  
 901 complying, or has not complied, with the requirements of this  
 902 section and who, with the intent to assist the career offender  
 903 in eluding a law enforcement agency that is seeking to find the  
 904 career offender to question the career offender about, or to  
 905 arrest the career offender for, his or her noncompliance with  
 906 the requirements of this section, ~~te:~~

907 (a) Withholds ~~Withhold~~ information from, or does not fail  
 908 ~~te~~ notify, the law enforcement agency about the career  
 909 offender's noncompliance with the requirements of this section  
 910 and, if known, the whereabouts of the career offender;

911 (b) Harbors ~~Harbor~~ or attempts ~~attempt~~ to harbor, or  
 912 assists ~~assist~~ another person in harboring or attempting to  
 913 harbor, the career offender;

914 (c) Conceals ~~Conceal~~ or attempts ~~attempt~~ to conceal, or  
 915 assists ~~assist~~ another person in concealing or attempting to  
 916 conceal, the career offender; or

917 (d) Provides ~~Provide~~ information to the law enforcement  
 918 agency regarding the career offender which the person knows to  
 919 be false information,

920  
 921 commits a felony of the third degree, punishable as provided in  
 922 s. 775.082, s. 775.083, or s. 775.084.

923 Section 3. Section 944.608, Florida Statutes, is amended to  
 924 read:

925 944.608 Notification to Department of Law Enforcement of  
 926 information on career offenders.—

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

928 (a) "Career offender" means a person who is in the custody

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

(b) "Permanent residence," "temporary residence," and "transient residence" have the same meaning as provided in s. 775.261.

(c) "Professional license" has the same meaning as provided in s. 775.261.

(d) "Vehicles owned" has the same meaning as provided in s. 775.261.

(2) If a career offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the career offender's fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the career offender. The fingerprints shall be clearly marked "Career Offender Registration."

(3) A career offender, as described in this section, who is under the supervision of the department but is not incarcerated must register with the department within 3 business days after sentencing and provide information as required by this subsection.

(a) The career offender shall provide his or her name; date of birth; ~~of birth;~~ social security number; race; ~~sex gender;~~ date of birth; height; weight; hair and eye color; tattoos or other identifying marks; employment information required to be provided pursuant to s. 775.261; and permanent or legal

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residence and address of temporary residence within the state or out of state while the career offender is under supervision in this state, including any rural route address and a ~~or~~ post office box; if no permanent or temporary address, any transient residence within this state; and address, location or description, and dates of any current or known future temporary residence within this state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; and all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 775.261. The career offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The career offender shall also provide information about any professional licenses he or she has. The department shall verify the address of each career offender in the manner described in s. 775.261. The department shall report to the Department of Law Enforcement any failure by a career offender to comply with any registration requirements.

(b) A career offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(4) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any career offender and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in

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the department's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

(5) The information provided to the Department of Law Enforcement must include:

(a) The information obtained from the career offender under subsection (3);

(b) The career offender's most current address and ~~place of~~ permanent, and temporary, or transient residence or residences within the state or out of state, the address, location or description, and dates of any known future temporary residence within this state or out of state while the career offender is under supervision in this state, ~~including the name of the county or municipality in which the career offender permanently or temporarily resides~~ and, if known, the intended place of permanent, ~~or~~ temporary, or transient residence or residences and the address, location or description, and dates of any current or known future temporary residence within this state or out of state upon satisfaction of all sanctions;

(c) The legal status of the career offender and the scheduled termination date of that legal status;

(d) The location of, and local telephone number for, any Department of Corrections' office that is responsible for supervising the career offender; and

(e) A digitized photograph of the career offender, which must have been taken within 60 days before the career offender is released from the custody of the department or a contractor-operated correctional facility or within 60 days after the onset of the department's supervision of any career offender who is on

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probation, community control, conditional release, parole, provisional release, or control release. If the career offender is in the custody ~~or control of, or under the supervision of,~~ a contractor-operated correctional facility, the facility shall take a digitized photograph of the career offender within the time period provided in this paragraph and shall provide the photograph to the department.

(6) (a) The department shall notify the Department of Law Enforcement if the career offender escapes, absconds, or dies while in the custody or control of, or under the supervision of, the department.

(b) If any information provided by the department changes during the time the career offender is under the department's custody, control, or supervision, including any change in the career offender's name by reason of marriage or other legal process, the department shall, in a timely manner, update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (4).

(7) If the career offender is in the custody of a local jail, the custodian of the local jail shall notify the Department of Law Enforcement within 3 business days after intake of the offender for any reason and upon release, and shall forward the information to the Department of Law Enforcement. The custodian of the local jail shall also take a digitized photograph of the career offender while the career offender remains in custody and shall provide the digitized photograph to the Department of Law Enforcement.

(8) If the career offender is under federal supervision, the federal agency responsible for supervising the career

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offender may forward to the Department of Law Enforcement any information regarding the career offender which is consistent with the information provided by the department under this section, and may indicate whether use of the information is restricted to law enforcement purposes only or may be used by the Department of Law Enforcement for purposes of public notification.

~~(9)(7)~~ A career offender, as described in this section, who is under the supervision of the department but who is not incarcerated shall, in addition to the registration requirements provided in subsection (3), register and obtain a distinctive driver license or identification card in the manner provided in s. 775.261 ~~s. 775.261(4)(e)~~, unless the career offender is a sexual predator, in which case he or she shall register as required under s. 775.21, or is a sexual offender, in which case he or she shall register as required in s. 943.0435 or s. 944.607. A career offender who fails to comply with the requirements of s. 775.261 ~~s. 775.261(4)~~ is subject to the penalties provided in s. 775.261(13) ~~s. 775.261(8)~~.

~~(10)(a)(8)~~ The failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(b)~~ A career offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the career offender, in the county in which the conviction occurred

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for the offense or offenses that meet the criteria for designating a person as a career offender, in the county in which he or she was designated a career offender, in the county where the career offender was released from incarceration, or in the county of the intended address of the career offender as reported by the offender before his or her release from incarceration.

~~(c)~~ An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 775.261, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A career offender's failure to register immediately as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A career offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall register immediately as required by this section. A career offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

~~(d)~~ Registration following such arrest, service, or arraignment is not a defense and does not relieve the career offender of criminal liability for the failure to register.

~~(11)(9)~~ The department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, personnel of those departments, and any individual or entity acting at the

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request or upon the direction of those departments are immune from civil liability for damages for good faith compliance with this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, personnel of those departments, or any individual or entity acting at the request or upon the direction of those departments in compiling, recording, reporting, or providing information, or, if the information is incomplete or incorrect because the information has not been provided by a person or agency required to provide the information, or because the information was not reported or was falsely reported.

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

(a) Withholds information from, or does not notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the career offender;

(b) Harbors or attempts to harbor, or assists another person in harboring or attempting to harbor, the career offender;

(c) Conceals or attempts to conceal, or assists another

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person in concealing or attempting to conceal, the career offender; or

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

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the career offender is incarcerated in or is in the custody of a state correctional facility, a contractor-operated correctional facility, a local jail, or a federal correctional facility.

(13)(a) A career offender must report in person each year during the month of the career offender's birthday to the sheriff's office in the county in which he or she maintains a permanent, temporary, or transient residence or is otherwise located to reregister.

(b) The sheriff's office may determine the appropriate times and days for reporting by the career offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; race; sex; date of birth; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph; employment information required to be provided pursuant to s. 775.261; address of permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or

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1161 temporary address, any transient residence within this state;  
 1162 address, location or description, and dates of any current or  
 1163 known future temporary residence within the state or out of  
 1164 state; the make, model, color, vehicle identification number  
 1165 (VIN), and license tag number of all vehicles owned; and all  
 1166 home telephone numbers and cellular telephone numbers required  
 1167 to be provided pursuant to s. 775.261. A post office box may not  
 1168 be provided in lieu of a physical residential address. The  
 1169 career offender shall also produce his or her passport, if he or  
 1170 she has a passport, and, if he or she is an alien, shall produce  
 1171 or provide information about documents establishing his or her  
 1172 immigration status. The career offender shall also provide  
 1173 information about any professional licenses he or she has.

1174 2. If the career offender's place of residence is a motor  
 1175 vehicle, trailer, mobile home, or manufactured home, as those  
 1176 terms are defined in chapter 320, the career offender shall also  
 1177 provide the vehicle identification number (VIN); the license tag  
 1178 number; the registration number; and a description, including  
 1179 color scheme, of the motor vehicle, trailer, mobile home, or  
 1180 manufactured home. If the career offender's place of residence  
 1181 is a vessel, live-aboard vessel, or houseboat, as those terms  
 1182 are defined in chapter 327, the career offender shall also  
 1183 provide the hull identification number; the manufacturer's  
 1184 serial number; the name of the vessel, live-aboard vessel, or  
 1185 houseboat; the registration number of the vessel, live-aboard  
 1186 vessel, or houseboat; and a description, including color scheme,  
 1187 of the vessel, live-aboard vessel, or houseboat.

1188 3. Any career offender who fails to report in person as  
 1189 required at the sheriff's office, who fails to respond to any

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1190 address verification correspondence from the department within 3  
 1191 weeks after the date of the correspondence, or who knowingly  
 1192 provides false registration information by act or omission  
 1193 commits a felony of the third degree, punishable as provided in  
 1194 s. 775.082, s. 775.083, or s. 775.084.

1195 (c) The sheriff's office shall, within 2 working days,  
 1196 electronically submit and update all information provided by the  
 1197 career offender to the Department of Law Enforcement in a manner  
 1198 prescribed by the Department of Law Enforcement.

1199 Section 4. Section 944.609, Florida Statutes, is amended to  
 1200 read:

1201 944.609 Career offenders; notification upon release.—

1202 (1) As used in this section, the term:

1203 (a) "Career offender" means a person who is in the custody  
 1204 or control of, or under the supervision of, the department or is  
 1205 in the custody or control of, or under the supervision of a  
 1206 contractor-operated correctional facility, who is designated as  
 1207 a habitual violent felony offender, a violent career criminal,  
 1208 or a three-time violent felony offender under s. 775.084 or as a  
 1209 prison releasee reoffender under s. 775.082(9).

1210 (b) "Permanent residence," "temporary residence," and  
 1211 "transient residence" have the same meaning as provided in s.  
 1212 775.261.

1213 (c) "Professional license" has the same meaning as provided  
 1214 in s. 775.261.

1215 (d) "Vehicles owned" has the same meaning as provided in s.  
 1216 775.261.

1217 (2) The Legislature finds that certain career offenders, by  
 1218 virtue of their histories of offenses, present a threat to the

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1219 public and to communities. Career offenders have a reduced  
 1220 expectation of privacy because of the public's interest in  
 1221 public safety and in the effective operation of government. The  
 1222 Legislature finds that requiring these career offenders to  
 1223 register for the purpose of tracking the career offenders and  
 1224 providing for notifying the public and a community of the  
 1225 presence of a career offender are important aids to law  
 1226 enforcement agencies, the public, and communities if the career  
 1227 offender engages again in criminal conduct. Registration is  
 1228 intended to aid law enforcement agencies in timely apprehending  
 1229 a career offender. Registration is not a punishment, but merely  
 1230 a status. Notification to the public and communities of the  
 1231 presence of a career offender aids the public and communities in  
 1232 avoiding being victimized by the career offender. The  
 1233 Legislature intends to require the registration of career  
 1234 offenders and to authorize law enforcement agencies to notify  
 1235 the public and communities of the presence of a career offender.

1236 (3) (a) The department must provide information regarding  
 1237 any career offender who is being released after serving a period  
 1238 of incarceration for any offense, as follows:

1239 1. The department must provide the career offender's name,  
 1240 any change in the career offender's name by reason of marriage  
 1241 or other legal process, and any alias, if known; the  
 1242 correctional facility from which the career offender is  
 1243 released; the career offender's social security number, race,  
 1244 ~~sex~~ gender, date of birth, height, weight, and hair and eye  
 1245 color; tattoos or other identifying marks; address of any  
 1246 planned permanent residence or temporary residence, within this  
 1247 state or out of state, including a rural route address and a

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1248 post office box; if no permanent or temporary address, any  
 1249 transient residence within this state; address, location or  
 1250 description, and dates of any current or known future temporary  
 1251 residence within this state or out of state; date and county of  
 1252 sentence and each crime for which the career offender was  
 1253 sentenced; a copy of the career offender's fingerprints, palm  
 1254 prints, and a digitized photograph taken within 60 days before  
 1255 release; the date of release of the career offender; employment  
 1256 information, if known, required to be provided pursuant to s.  
 1257 775.261; all home telephone numbers and cellular telephone  
 1258 numbers required to be provided pursuant to s. 775.261;  
 1259 information about any professional licenses the career offender  
 1260 has, if known; and passport information, if he or she has a  
 1261 passport, and, if he or she is an alien, information about the  
 1262 documents establishing his or her immigration status and the  
 1263 career offender's intended residence address, if known. The  
 1264 department shall notify the Department of Law Enforcement if the  
 1265 career offender escapes, absconds, or dies. If the career  
 1266 offender is in the custody of a contractor-operated correctional  
 1267 facility, the facility shall take the digitized photograph of  
 1268 the career offender within 60 days before the career offender's  
 1269 release and provide this photograph to the Department of  
 1270 Corrections and also place it in the career offender's file. If  
 1271 the career offender is in the custody of a local jail, the  
 1272 custodian of the local jail shall notify the Department of Law  
 1273 Enforcement within 3 business days after intake of the offender  
 1274 for any reason and upon ~~of the career offender's~~ release, and  
 1275 provide to the Department of Law Enforcement the information  
 1276 specified in this paragraph and any information specified in

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1277 subparagraph 2. which the Department of Law Enforcement  
1278 requests.

1279 2. The department may provide any other information deemed  
1280 necessary, including criminal and corrections records and  
1281 nonprivileged personnel and treatment records, when available.

1282 (b) The department must provide the information described  
1283 in subparagraph (a)1. to:

1284 1. The sheriff of the county where the career offender was  
1285 sentenced;

1286 2. The sheriff of the county and, if applicable, the police  
1287 chief of the municipality, where the career offender plans to  
1288 reside;

1289 3. The Department of Law Enforcement;

1290 4. When requested, the victim of the offense, the victim's  
1291 parent or legal guardian if the victim is a minor, the lawful  
1292 representative of the victim or of the victim's parent or  
1293 guardian if the victim is a minor, or the next of kin if the  
1294 victim is a homicide victim; and

1295 5. Any person who requests such information,

1296  
1297 either within 6 months prior to the anticipated release of a  
1298 career offender or as soon as possible if a career offender is  
1299 released earlier than anticipated. All such information provided  
1300 to the Department of Law Enforcement must be available  
1301 electronically as soon as the information is in the agency's  
1302 database and must be in a format that is compatible with the  
1303 requirements of the Florida Crime Information Center.

1304 (c) Upon request, the department must provide the  
1305 information described in subparagraph (a)2. to:

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1306 1. The sheriff of the county where the career offender was  
1307 sentenced; and

1308 2. The sheriff of the county and, if applicable, the police  
1309 chief of the municipality, where the career offender plans to  
1310 reside,

1311  
1312 either within 6 months prior to the anticipated release of a  
1313 career offender or as soon as possible if a career offender is  
1314 released earlier than anticipated.

1315 (d) Upon receiving information regarding a career offender  
1316 from the department, the Department of Law Enforcement, the  
1317 sheriff, or the chief of police shall provide the information  
1318 described in subparagraph (a)1. to any individual who requests  
1319 such information and may release the information to the public  
1320 in any manner deemed appropriate, unless the information is  
1321 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of  
1322 the State Constitution.

1323 (4) This section authorizes the department or any law  
1324 enforcement agency to ~~may~~ notify the community and the public of  
1325 a career offender's presence in the community. However, with  
1326 respect to a career offender who has been found to be a sexual  
1327 predator under s. 775.21, the Department of Law Enforcement or  
1328 any other law enforcement agency must inform the community and  
1329 the public of the sexual predator's ~~career offender's~~ presence  
1330 in the community, as provided in s. 775.21.

1331 (5) An elected or appointed official, public employee,  
1332 school administrator or employee, or agency, or any individual  
1333 or entity acting at the request or upon the direction of any law  
1334 enforcement agency, is immune from civil liability for damages

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1335 resulting from the good faith compliance with the requirements  
1336 of this section or the release of information under this  
1337 section.

1338 Section 5. This act shall take effect October 1, 2026.

The Florida Senate

**APPEARANCE RECORD**

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

01/26/2026

Meeting Date

Criminal Justice

Committee

SB 1332

Bill Number or Topic

Amendment Barcode (if applicable)

Name Will Grissom Phone 850-410-7000

Address 2331 Phillips Rd Email williamgrissom@fdle.state.fl.us

Street

Tallahassee

FL

32308

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Department of Law  
Enforcement**

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

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

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

S-001 (08/10/2021)

January 26, 2026

The Florida Senate  
**APPEARANCE RECORD**

1332

Meeting Date

**Criminal Justice**

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 1660

INTRODUCER: Senator Martin

SUBJECT: Responsible Firearm Safety Awareness Month

DATE: January 23, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Denson	Stokes	CJ	<b>Favorable</b>
2.			GO	
3.			RC	

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## **I. Summary:**

SB 1660 creates s. 683.338, F.S., annually designating the month of June as “Responsible Firearm Safety Awareness Month,” to recognize the importance of safe and responsible firearm use and ownership while honoring the Second Amendment of the United States Constitution.

The bill encourages the Florida Department of Law Enforcement, local governments, and other entities to sponsor events in June that promote public awareness of the dangers of firearms and educate the public through voluntary training and safety demonstrations.

The bill takes effect on July 1, 2026.

## **II. Present Situation:**

According to the U.S. Centers for Disease Control and Prevention (CDC), in 2023, Florida experienced 3,253 deaths by firearm, the second highest rate of death in this manner in the Country.<sup>1</sup>

Florida law, as outlined in ch. 790, F.S., addresses safe storage practices, lawful ownership, prohibited uses, and licensing requirements for firearms. While individuals seeking a concealed weapons license must complete a firearms safety and training course,<sup>2</sup> general firearm ownership does not require mandatory safety training under current state law.

In 2023, the legislature appropriated \$1.5 million in recurring funds to the Florida Department of Law Enforcement (FDLE) to implement the Local Firearm Safety Training Program (LFSTP)

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<sup>1</sup> Center for Disease Control and Prevention, *Firearm Mortality*, (Aug. 20, 2025), available at <https://www.cdc.gov/nchs/state-stats/deaths/firearms.html> (last visited 1/22/2026).

<sup>2</sup> Section 790.06(h.)1.-7., F.S.

grant program for local law enforcement agencies to provide firearm safety training.<sup>3</sup> Local governments, such as the Citrus County<sup>4</sup> and Hendry County<sup>5</sup> Sheriffs' Offices, have used this funding to offer free basic firearms courses to citizens.

The LFSTP requires fund recipients to utilize the reward for the development, expansion or instruction of firearms safety training hosted by law enforcement for the general public.<sup>6</sup> Citrus and Hendry Counties provided free quarterly firearm safety courses for a limited number of people who have limited or no prior firearm experience. The courses are specifically designed to blend classroom and live instruction in range exercises, firearm handling, and concealed carry laws. Upon completion of the course, participants in both counties receive basic firearm safety certifications.<sup>7</sup>

However, Florida does not currently designate a specific month for firearm safety awareness, nor does it have a statewide, coordinated public awareness campaign focused on responsible firearm ownership and safety.

### III. Effect of Proposed Changes:

The bill creates s. 683.338, F.S., to designate June as "Responsible Firearm Safety Awareness Month." The bill encourages FDLE and local entities to sponsor events, promote public awareness of the dangers of firearms, and educate the public through voluntary training and safety demonstrations.

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.

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<sup>3</sup> Chapter 2023-18, LOF

<sup>4</sup> Citrus County Sheriff's Office. *Firearm safety course*, available at [https://www.sheriffcitrus.org/programs\\_services/firearm\\_safety\\_course.php](https://www.sheriffcitrus.org/programs_services/firearm_safety_course.php) (last visited 1/22/2026).

<sup>5</sup> Hendry County Sheriff's Office. *Public Firearms Courses*, available at <https://www.hendrysheriff.org/publicFirearmsCourses> (last visited 1/22/2026).

<sup>6</sup> Florida Department of Law Enforcement. *Criminal Justice Grants, Local Firearm Safety Training Program (LFSTP)*, available at <https://www.fdle.state.fl.us/fdle-grants/office-of-criminal-justice-grants/sfa/lfst>. (last visited 1/22/26).

<sup>7</sup> Citrus County Sheriff's Office. *Firearm safety course*, available at [https://www.sheriffcitrus.org/programs\\_services/firearm\\_safety\\_course.php](https://www.sheriffcitrus.org/programs_services/firearm_safety_course.php) (last visited 1/22/2026); Hendry County Sheriff's Office. *Public Firearms Courses*, available at <https://www.hendrysheriff.org/publicFirearmsCourses> (last visited 1/22/2026).

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 could have an indeterminate negative fiscal impact on an entity providing voluntary training and safety demonstrations.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 683.338

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

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By Senator Martin

33-00215A-26

20261660\_\_

A bill to be entitled

An act relating to Responsible Firearm Safety Awareness Month; creating s. 683.338, F.S.; designating the month of June as "Responsible Firearm Safety Awareness Month" for a specified purpose; encouraging the Department of Law Enforcement, local governments, and other agencies and organizations to sponsor certain events; providing an effective date.

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

Section 1. Section 683.338, Florida Statutes, is created to read:

683.338 Responsible Firearm Safety Awareness Month.—

(1) The Legislature designates the month of June as "Responsible Firearm Safety Awareness Month" to recognize the importance of safe and responsible firearm use and ownership, while honoring the guarantees of the Second Amendment to the United States Constitution and of s. 8, Art. I of the State Constitution.

(2) The Department of Law Enforcement, local governments, and other agencies and organizations are encouraged to sponsor events that promote public awareness on the dangers of firearms and educate the public through voluntary training and safety demonstrations.

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.)

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

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BILL: SB 1734

INTRODUCER: Senator Martin

SUBJECT: Juvenile Justice

DATE: January 23, 2026

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

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

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## **I. Summary:**

SB 1734 amends multiple statutes relating to Juvenile Detention Officers and Juvenile Probation Officers. Specifically, the bill amends:

- Section 14.33, F.S., to add juvenile detention officers and juvenile probation officers to the list of persons that the governor may award a Medal of Heroism.
- Sections 112.19 and 112.193, F.S., to include in the definition of “Law enforcement, correctional, or correctional probation officer” juvenile detention officers and juvenile probation officers. Expanding the definition of law enforcement will allow juvenile detention officers and juvenile probation officers to receive the same death benefits and commemorative service awards as other officers.
- Section 112.194, F.S., to authorize any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints juvenile detention officers or juvenile probation officers to establish a Medal of Valor award program.
- Section 787.035, F.S., to exempt the Department of Juvenile Justice (DJJ) from the prohibition against sheltering an unmarried minor without the consent of the minor’s parent or guardian or without notifying a law enforcement officer.
- Section 943.10 F.S., to include Juvenile Detention Officer and Juvenile Probation Officer in the definition of “officer” and defines:
  - “Officer” to mean any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, correctional probation officer, juvenile detention officer, or juvenile probation officer.
  - “Juvenile detention officer” to mean an officer who is responsible for the direct supervision of youth who are held in secure detention.
  - “Juvenile probation officer” means an authorized agent of the DJJ who performs the intake case management, or supervision functions.
- Section 984.03, F.S., to revise the definition for the term “Family in need of services” to include legal guardians.

- Section 984.09, F.S., to provide that a child “subject to shelter placement proceedings” may only be placed in a shelter under certain circumstances, rather than a child “adjudicated in need of services.”

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:

### Commemorative Service Awards

Section 112.193, F.S., provides specific guidelines for the commemorative service awards for law enforcement officers who retire, resign from position to accept an elected public office, or are killed in the line of duty. Each badge, service handgun, and identification card presented is to commemorate prior service.

Each employer that employs or appoints law enforcement, correctional, or correctional probation officers may present to each such employee who retires under any provision of a state or municipal retirement system, including medical disability retirement, or who is eligible to retire under any such provision but, instead, resigns from one employer to accept an elected public office:

- One completed uniform including the badge worn by that officer;
- The officer’s service handgun, if one was issued as part of the officer’s equipment; and
- An identification card clearly marked “RETIRED.”<sup>1</sup>

Upon the death of a law enforcement, correctional, or correctional probation officer, the employer may present to the spouse or other beneficiary of the officer, upon request:

- One complete uniform, including the badge worn by the officer.<sup>2</sup>
- If a law enforcement, correctional, or correctional probation officer is killed in the line of duty, the employer may present, upon request to the spouse or other beneficiary of the officer:
- The officer’s service-issued handgun, if one was issued as part of the officer’s equipment.<sup>3</sup>

If the employer is not in possession of the service-issued handgun, the employer may, within its discretion, and upon written request of the spouse or other beneficiary, present a similar handgun. In the instance that a law enforcement or correctional officer died before May 1, 1993, the above provisions apply, in addition, the officer’s service handgun may be presented by the employer for any such officer who was killed in the line of duty prior to the act becoming law.<sup>4</sup>

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<sup>1</sup> Section 112.193(2), F.S.

<sup>2</sup> Section 112.193(3), F.S.

<sup>3</sup> *Id.*

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

## **Medal of Heroism**

The Governor may award a Medal of Heroism to law enforcement officers, correctional officers, or correctional probation officers, firefighters, and emergency medical technicians, or paramedics. A recipient must have distinguished himself or herself conspicuously by gallantry and intrepidity, must have risked his or her life deliberately above and beyond the call of duty while performing duty in his or her respective position, and must have engaged in hazardous or perilous activities to preserve lives with the knowledge that such activities might result in great personal harm.<sup>5</sup>

A candidate or person seeking to nominate a candidate for the award must make written application to the Governor. The Governor may refer an application to any public or private entity for advice and recommendations regarding the application.<sup>6</sup>

## **Medal of Valor**

Any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints law enforcement officers or correctional officers and may establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty.<sup>7</sup>

The Medal of Valor may include, but is not limited to, a medal authorized to be worn on the officer's uniform during formal occasions and a commendation bar to be worn on the uniform during normal duty. The amount of funds that may be expended to provide a Medal of Valor must not exceed \$250.<sup>8</sup>

Upon the death of such a law enforcement officer or correctional officer, the employer may present the Medal of Valor posthumously to the officer's closest living relative.

## **Death Benefits for Law Enforcement Officers**

### ***Accidental death or bodily injury***

The sum of \$75,000 must be paid as provided in this section when a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.<sup>9</sup>

The sum of \$75,000 must be paid as provided if a law enforcement, correctional, or correctional probation officer is accidentally killed and the accidental death occurs:

- As a result of the officer's response to fresh pursuit;<sup>10</sup>

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<sup>5</sup> Section 14.33(1), F.S.

<sup>6</sup> Section 14.33(2), F.S.

<sup>7</sup> Section 112.194(1), F.S.

<sup>8</sup> Section 112.194(2), F.S.

<sup>9</sup> Section 112.19(2)(a), F.S.

<sup>10</sup> Section 112.19(2)(b)1., F.S.

- As a result of the officer's response to what is reasonably believed to be an emergency;<sup>11</sup>
- At the scene of a traffic accident to which the officer has responded;<sup>12</sup> or
- While the officer is enforcing what is reasonably believed to be a traffic law or ordinance.<sup>13</sup>

### ***Death in the line of duty***

If an officer is killed in the line of duty, additional sums are paid in addition to any workers' compensation or retirement plan benefits and are exempt from creditor claims.<sup>14</sup>

If a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act, the sum of \$225,000 must be paid,<sup>15</sup> whether secured by insurance or not, must be made to the beneficiary designated by such law enforcement, correctional, or correctional probation officer in writing, signed by the officer and delivered to the employer during the officer's lifetime. If no such designation is made, then the payments must be paid to the officer's surviving child or children and to the officer's surviving spouse in equal portions, and if there is no surviving child or spouse, then to the officer's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the officer's estate.<sup>16</sup>

If a full-time law enforcement, correctional, or correctional probation officer who is certified and employed by a state is killed in the line of duty while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions:

- The sum of \$10,000 must be paid toward the funeral and burial expenses of such officer. Such benefits are in addition to any other benefits to which employee beneficiaries and dependents are entitled under the Workers' Compensation Law or any other state or federal statutes;<sup>17</sup> and
- The officer's employing agency may pay up to \$5,000 directly toward the venue expenses associated with the funeral and burial services of such officer.<sup>18</sup>

### ***Dependent benefits***

Any division of the state that employs a full-time law enforcement officer or a full-time correctional officer who is killed in the line of duty on or after July 1, 1993, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions must pay the entire premium of the political subdivision's health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

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<sup>11</sup> Section 112.19(2)(b)2., F.S.

<sup>12</sup> Section 112.19(2)(b)3., F.S.

<sup>13</sup> Section 112.19(2)(b)4., F.S.

<sup>14</sup> Section 112.19(2)(e), F.S.

<sup>15</sup> Section 112.19(2)(c), F.S.

<sup>16</sup> Section 112.19(2)(d), F.S.

<sup>17</sup> Section 112.19(2)(f)1., F.S.

<sup>18</sup> Section 112.19(2)(f)2., F.S.

- At the time of the employee's death, the child is dependent upon the employee for support;<sup>19</sup> and
- The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.<sup>20</sup>

### ***Catastrophic injury***

Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury in the line of duty must pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support.<sup>21</sup>

### **DJJ Youth Services**

#### ***Family in Need of Services***

Chapter 984, F.S., establishes the processes for providing status offenders with voluntary and involuntary intervention services, through court order. Voluntary family services to families in need must be by voluntary agreement of the parent or legal guardian and the child or pursuant to a court order. Family in need of services are programs that are open to children ages 6-17 years old and their families to provide support and counseling programs to prevent runaways, habitual truancy, homelessness, and ungovernable behavior.<sup>22</sup>

Section 984.03, F.S., specifies that a "Family in need of services" means a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the department, or an agency contracted to provide services to children in need of services. A family is not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the DJJ for delinquency or under court-ordered supervision by the Department of Children and Families (DCF).

#### ***Placement in Shelter***

A shelter is a place for temporary care for a child alleged to be dependent, a child from a family in need of services, or a child in need of services, pending court disposition before or after execution of a court order. Shelter placements may be either voluntary or involuntary, and if a bed is not available, a youth is placed on a waiting list until one becomes available. Through the

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<sup>19</sup> Section 112.19(2)(g)1., F.S.

<sup>20</sup> Section 112.19(2)(g)2., F.S.

<sup>21</sup> Section 112.19(2)(h)1., F.S.

<sup>22</sup> Florida Network of youth and family services *CINS/FINS Shelter Services* available at [https://floridanetwork.org/wp-content/uploads/2024/12/FN\\_Brochure\\_ENG\\_WITH-UPDATES\\_12.2.2023.pdf](https://floridanetwork.org/wp-content/uploads/2024/12/FN_Brochure_ENG_WITH-UPDATES_12.2.2023.pdf) (last visited on January 20, 2026).

involuntary shelter hearing court process, placement may be made to provide an opportunity for the child and family to come to an agreement for the return of the child to their home. Shelter placement may also be necessary because the parent is unable to take immediate custody of the child or through a child being held in contempt by a truancy court.<sup>23</sup>

Section 984.09, F.S., provides that it is the legislative intent to restrict and limit the use of contempt powers and prohibit the use of detention care and secure detention facilities, specifying that the court must use alternative sanctions first and may only place a child in a secure setting if alternative sanctions are unavailable or inappropriate, or if the child has previously been found in contempt of court and failed to comply with an assigned alternative sanction.

### ***Sheltering unmarried minors***

Section 787.035, F.S., specifies that a person who is not an authorize agent of the DJJ or the DCF may not knowingly shelter an unmarried minor for more then 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer.<sup>24</sup>

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

The bill amends multiple statutes relating to Juvenile Detention Officers and Juvenile Probation Officers. Specifically, the bill amends:

- Section 14.33, F.S., to add juvenile detention officers and juvenile probation officers to the list of law enforcement officers that the Governor may award a Medal of Heroism.
- Sections 112.19 and 112.193, F.S., to add juvenile detention officers and juvenile probation officers to the definition for "law enforcement, correctional, or correctional probation officers" for purposes of death benefits and commemorative service awards. Expanding the definition of law enforcement will allow juvenile detention officers and juvenile probation officers to receive the same death benefits and commemorative service awards as other officers.
- Section 112.194, F.S., to authorize any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints juvenile detention officers or juvenile probation officers to establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty. This provision currently exists for law enforcement officers and correctional officers.
- Section 787.035, F.S., to exempt the DJJ from the prohibition against sheltering an unmarried minor without the consent of the minor's parent or guardian or without notifying a law enforcement officer. A person who is not an authorized agent of the DJJ or the DCF may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

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<sup>23</sup> Section 984.09, F.S.

<sup>24</sup> Section 787.035(1)(b), F.S.

- Section 943.10 F.S., to include Juvenile Detention Officers and Juvenile Probation Officers in the definition of “officer” and defines:
  - “Officer” to mean any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, correctional probation officer, juvenile detention officer, or juvenile probation officer.
  - “Juvenile detention officer” to mean an officer who is responsible for the direct supervision of youth who are held in secure detention.
  - “Juvenile probation officer” means an authorized agent of the DJJ who performs the intake case management, or supervision functions.
- Section 984.03, F.S., revising the definition for the term “Family in need of services” to include legal guardians.
- Section 984.09, F.S., to provide that a child “subject to shelter placement proceedings” may only be placed in a shelter under certain circumstances, rather than a child adjudicated in need of services. A child subject to proceedings under ch. 984, F.S., may only be placed in a shelter for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

#### **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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 14.33, 112.19, 112.193, 112.194, 787.035, 943.10, 984.03, and 984.09.

This bill reenacts the following sections of the Florida Statutes: 112.1912, 384.287, 493.6102, 741.31, 782.07, 790.233, 39.01, 44.1011, 44.102, 984.04, 984.071, 984.10, 984.12, 984.13, 985.03, 984.07, 984.151.

**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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1 A bill to be entitled  
 2 An act relating to juvenile justice; amending s.  
 3 14.33, F.S.; authorizing the Governor to award a Medal  
 4 of Heroism to juvenile detention and juvenile  
 5 probation officers; amending ss. 112.19 and 112.193,  
 6 F.S.; revising the definition of the term "law  
 7 enforcement, correctional, or correctional probation  
 8 officer" to include juvenile detention and juvenile  
 9 probation officers; amending s. 112.194, F.S.;  
 10 authorizing certain entities to establish an award  
 11 program to award a Medal of Valor to a juvenile  
 12 detention officer or probation officer in certain  
 13 circumstances; amending s. 787.035, F.S.; specifying  
 14 that a certain reference to the department is a  
 15 reference to the Department of Juvenile Justice;  
 16 amending s. 943.10, F.S.; revising the definition of  
 17 the term "officer" to include juvenile detention and  
 18 juvenile probation officers; defining the terms  
 19 "juvenile detention officer" and "juvenile probation  
 20 officer"; amending s. 984.03, F.S.; revising the  
 21 definition of the term "family in need of services";  
 22 amending s. 984.09, F.S.; providing that a child  
 23 subject to proceedings under ch. 984, F.S., may only  
 24 be placed in a shelter in certain circumstances;  
 25 reenacting s. 112.1912(1)(a), F.S., relating to first  
 26 responders, and death benefits for educational  
 27 expenses, to incorporate the amendment made to s.  
 28 112.19, F.S., in a reference thereto; reenacting ss.  
 29 384.287(1), 493.6102(1), 741.31(4)(b), 782.07(4), and

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30 790.233(3), F.S., relating to screening for sexually  
 31 transmissible disease, inapplicability of ch. 493,  
 32 F.S., violation of an injunction for protection  
 33 against domestic violence, manslaughter, aggravated  
 34 manslaughter of an elderly person or disabled adult,  
 35 aggravated manslaughter of a child, aggravated  
 36 manslaughter of an officer, a firefighter, an  
 37 emergency medical technician, or a paramedic, and  
 38 possession of firearm or ammunition prohibited when  
 39 person is subject to an injunction against committing  
 40 acts of domestic violence, stalking, or cyberstalking,  
 41 and penalties, to incorporate the amendment made to s.  
 42 943.10, F.S., in references thereto; reenacting ss.  
 43 39.01(1) and (37)(e), 44.1011(2)(d), 44.102(2)(d),  
 44 984.04(1), 984.071(1), 984.10(1) and (2), 984.12,  
 45 984.13(3), and 985.03(23), F.S., relating to  
 46 definitions in proceedings relating to children,  
 47 definitions in dependency mediation, court-ordered  
 48 mediation, early truancy intervention, families in  
 49 need of services and children in need of services,  
 50 procedures and jurisdiction, resources and  
 51 information, intake, case staffing, services and  
 52 treatment related to a family in need of services,  
 53 taking a child into custody, and definitions relating  
 54 to juvenile justice, respectively, to incorporate the  
 55 amendment made to s. 984.03, F.S., in references  
 56 thereto; reenacting ss. 984.03(33), 984.07(1), and  
 57 984.151(12), F.S., relating to definitions relating to  
 58 children and families in need of services, right to

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counsel, waiver, appointed counsel, compensation, and early truancy intervention, truancy petition, and judgment, respectively, to incorporate the amendment made to s. 984.09, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 14.33, Florida Statutes, is amended to read:

14.33 Medal of Heroism.—

(1) The Governor may award a Medal of Heroism of appropriate design, with ribbons and appurtenances, to a law enforcement, correctional, ~~or~~ correctional probation officer, juvenile detention officer, or juvenile probation officer, as defined in s. 943.10(14); a firefighter, as defined in s. 112.191(1)(b); an emergency medical technician, as defined in s. 401.23; or a paramedic, as defined in s. 401.23. A recipient must have distinguished himself or herself conspicuously by gallantry and intrepidity, must have risked his or her life deliberately above and beyond the call of duty while performing duty in his or her respective position, and must have engaged in hazardous or perilous activities to preserve lives with the knowledge that such activities might result in great personal harm.

Section 2. Section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.—

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

(a) "Employer" means a state board, commission, department, division, bureau, or agency, or a county, municipality, or other political subdivision of the state, which employs, appoints, or otherwise engages the services of law enforcement, correctional, or correctional probation officers.

(b) "Fresh pursuit" means the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance. The term does not imply instant pursuit, but pursuit without unreasonable delay.

(c) "Insurance" means insurance procured from a stock company or mutual company or association or exchange authorized to do business as an insurer in this state.

(d) "Law enforcement, correctional, or correctional probation officer" means any officer as defined in s. 943.10(14) or employee of the state or any political subdivision of the state, including any law enforcement officer, correctional officer, correctional probation officer, juvenile detention officer, juvenile probation officer, state attorney investigator, public defender investigator, or criminal conflict and civil regional counsel investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices. The term also includes any full-time officer or employee of the state or any political subdivision of

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the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

(2) (a) The sum of \$75,000 must be paid as provided in this section when a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

(b) The sum of \$75,000 must be paid as provided in this section if a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (a) and the accidental death occurs:

1. As a result of the officer's response to fresh pursuit;

2. As a result of the officer's response to what is reasonably believed to be an emergency;

3. At the scene of a traffic accident to which the officer has responded; or

4. While the officer is enforcing what is reasonably believed to be a traffic law or ordinance.

This sum is in addition to any sum provided for in paragraph (a).

(c) If a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is unlawfully and intentionally killed or dies as a result of such unlawful and

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intentional act, the sum of \$225,000 must be paid as provided in this section.

(d) Such payments, pursuant to paragraphs (a), (b), and (c), whether secured by insurance or not, must be made to the beneficiary designated by such law enforcement, correctional, or correctional probation officer in writing, signed by the officer and delivered to the employer during the officer's lifetime. If no such designation is made, then the payments must be paid to the officer's surviving child or children and to the officer's surviving spouse in equal portions, and if there is no surviving child or spouse, then to the officer's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the officer's estate.

(e) Such payments, pursuant to paragraphs (a), (b), and (c), are in addition to any workers' compensation or retirement plan benefits and are exempt from the claims and demands of creditors of such law enforcement, correctional, or correctional probation officer.

(f) If a full-time law enforcement, correctional, or correctional probation officer who is certified pursuant to chapter 943 and employed by a state agency is killed in the line of duty while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions:

1. The sum of \$10,000 must be paid, as provided for in paragraph (d), toward the funeral and burial expenses of such officer. Such benefits are in addition to any other benefits to which employee beneficiaries and dependents are entitled under

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the Workers' Compensation Law or any other state or federal statutes; and

2. The officer's employing agency may pay up to \$5,000 directly toward the venue expenses associated with the funeral and burial services of such officer.

(g) Any political subdivision of the state that employs a full-time law enforcement officer as defined in s. 943.10(1) or a full-time correctional officer as defined in s. 943.10(2) who is killed in the line of duty on or after July 1, 1993, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions shall pay the entire premium of the political subdivision's health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the employee's death, the child is dependent upon the employee for support; and

2. The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each

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dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, the term "conviction" means a determination of

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guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred while the officer was in the line of duty or engaged in an official training exercise. Except as otherwise provided herein, this paragraph may not be construed to limit health insurance coverage for which the officer, spouse, or dependent children may otherwise be eligible, except that a person who qualifies under this section is not eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

(i) The Bureau of Crime Prevention and Training within the Department of Legal Affairs shall adopt rules necessary to implement paragraphs (a), (b), and (c).

(3) If a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, but before July 1, 2019, or unlawfully and intentionally killed as specified in paragraph (2)(c) on or after July 1, 1980, but before July 1, 2019, the state must waive certain educational expenses that the child or spouse of the deceased officer incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state must be in an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a Florida College System institution, or a state university on either a full-time or part-time basis. The benefits provided to a child under this

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subsection shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

(a) Upon failure of any child or spouse who receives a waiver in accordance with this subsection to comply with the ordinary and minimum requirements regarding discipline and scholarship of the institution attended, such benefits must be withdrawn as to the child or spouse and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(b) Only a student in good standing in his or her respective institution may receive the benefits provided in this subsection.

(c) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the institution attended.

(4)(a) The employer of such law enforcement, correctional, or correctional probation officer is liable for the payment of the sums specified in this section and is deemed self-insured, unless it procures and maintains, or has already procured and maintained, insurance to secure such payments. Any such insurance may cover only the risks indicated in this section, in the amounts indicated in this section, or it may cover those risks and additional risks and may be in larger amounts. Any such insurance must be placed by such employer only after public bid of such insurance coverage which must be awarded to the carrier making the lowest best bid.

(b) Payment of benefits to beneficiaries of state

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employees, or of the premiums to cover the risk, under this section must be paid from existing funds otherwise appropriated to the department employing the law enforcement, correctional, or correctional probation officers.

(5) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement the educational benefits provisions of this section.

(6) Notwithstanding any provision of this section to the contrary, the death benefits provided in paragraphs (2)(c) and (g) shall also be applicable and paid in cases where an officer received bodily injury before July 1, 1993, and subsequently died on or after July 1, 1993, as a result of such in-line-of-duty injury attributable to an unlawful and intentional act, or an act of violence inflicted by another, or an assault on the officer under riot conditions. Payment of such benefits must be in accordance with this section. This subsection may not be construed to limit death benefits for which those individuals listed in paragraph (2)(d) may otherwise be eligible.

Section 3. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 112.193, Florida Statutes, are amended to read:

112.193 Law enforcement, correctional, ~~and~~ correctional probation, juvenile detention, and juvenile probation officers' commemorative service awards.—

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

(b) "Law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officer" means any full-time, part-time, or auxiliary officer as defined

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in s. 943.10(14).

(2) Each employer that employs or appoints law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officers may present to each such employee who retires under any provision of a state or municipal retirement system, including medical disability retirement, or who is eligible to retire under any such provision but, instead, resigns from one employer to accept an elected public office, one complete uniform including the badge worn by that officer, the officer's service handgun, if one was issued as part of the officer's equipment, and an identification card clearly marked "RETIRED."

(3) Upon the death of a law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officer, the employer may present to the spouse or other beneficiary of the officer, upon request, one complete uniform, including the badge worn by the officer. However, if a law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officer is killed in the line of duty, the employer may present, upon request, to the spouse or other beneficiary of the officer the officer's service-issued handgun, if one was issued as part of the officer's equipment. If the employer is not in possession of the service-issued handgun, the employer may, within its discretion, and upon written request of the spouse or other beneficiary, present a similar handgun. The provisions of this section shall also apply in that instance to a law enforcement or correctional officer who died before May 1, 1993. In addition, the officer's service handgun may be presented by the employer for any such

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officer who was killed in the line of duty prior to this act becoming a law.

Section 4. Subsections (1) and (3) of section 112.194, Florida Statutes, are amended to read:

112.194 Law enforcement ~~and~~ correctional, juvenile detention, and juvenile probation officers' Medal of Valor.—

(1) Any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints law enforcement officers, ~~or~~ correctional officers, juvenile detention officers, or juvenile probation officers, as defined in s. 943.10(14), may establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty.

(3) Upon the death of such a law enforcement officer ~~or~~ correctional officer, juvenile detention officer, or juvenile probation officer, the employer may present the Medal of Valor posthumously to the officer's closest living relative.

Section 5. Paragraph (a) of subsection (1) of section 787.035, Florida Statutes, is amended to read:

787.035 Sheltering unmarried minors; aiding unmarried minor runaways; violations.—

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

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Section 6. Subsection (14) of section 943.10, Florida Statutes, is amended, and new subsections (23) and (24) are added to that section, to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(14) "Officer" means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, ~~or~~ correctional probation officer, juvenile detention officer, or juvenile probation officer.

(23) "Juvenile detention officer" means an officer who is responsible for the direct supervision of youth who are held in secure detention.

(24) "Juvenile probation officer" means an authorized agent of the Department of Juvenile Justice who performs the intake, case management, or supervision functions.

Section 7. Subsection (15) of section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(15) "Family in need of services" means a family that has a child who is running away; who is ungovernable and persistently disobeying reasonable and lawful demands of the parent, ~~or~~ legal guardian, or custodian and is beyond the control of the parent, ~~or~~ legal guardian, or custodian; or who is a habitual truant or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system. The child must be referred to a law enforcement agency, the department, or an agency contracted to provide services to children in need of services. A family is

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not eligible to receive voluntary family services if, at the time of the referral, the child is currently under court-ordered supervision by the department for delinquency under chapter 985 or under court-ordered supervision by the Department of Children and Families under chapter 39.

Section 8. Subsection (2) of section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(2) PLACEMENT IN A SHELTER.—A child subject to proceedings under this chapter ~~adjudicated as a child in need of services~~ may only be placed in a shelter for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

Section 9. For the purpose of incorporating the amendment made by this act to section 112.19, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 112.1912, Florida Statutes, is reenacted to read:

112.1912 First responders; death benefits for educational expenses.—

(1) As used in this section, the term “first responder” means:

(a) A law enforcement, correctional, or correctional probation officer as defined in s. 112.19(1) who is killed as provided in s. 112.19(2) on or after July 1, 2019;

Section 10. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, subsection (1) of section 384.287, Florida

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Statutes, is reenacted to read:

384.287 Screening for sexually transmissible disease.—

(1) An officer as defined in s. 943.10(14); support personnel as defined in s. 943.10(11) who are employed by the Department of Law Enforcement, including, but not limited to, any crime scene analyst, forensic technologist, or crime lab analyst; firefighter as defined in s. 633.102; or ambulance driver, paramedic, or emergency medical technician as defined in s. 401.23, acting within the scope of employment, who comes into contact with a person in such a way that significant exposure, as defined in s. 381.004, has occurred may request that the person be screened for a sexually transmissible disease that can be transmitted through a significant exposure.

Section 11. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, subsection (1) of section 493.6102, Florida Statutes, is reenacted to read:

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

(1) Any individual who is an “officer” as defined in s. 943.10(14) or is a law enforcement officer of the United States Government, while such local, state, or federal officer is engaged in her or his official duties or when performing off-duty security activities approved by her or his superiors.

Section 12. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 741.31, Florida Statutes, is reenacted to read:

741.31 Violation of an injunction for protection against

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domestic violence.—

(4)

(b)1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Section 13. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, subsection (4) of section 782.07, Florida Statutes, is reenacted to read:

782.07 Manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.—

(4) A person who causes the death, through culpable negligence, of an officer as defined in s. 943.10(14), a firefighter as defined in s. 112.191, an emergency medical technician as defined in s. 401.23, or a paramedic as defined in s. 401.23, while the officer, firefighter, emergency medical technician, or paramedic is performing duties that are within

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the course of his or her employment, commits aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, subsection (3) of section 790.233, Florida Statutes, is reenacted to read:

790.233 Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking; penalties.—

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section does not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Section 15. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in references thereto, subsection (1) and paragraph (e) of subsection (37) of section 39.01, Florida Statutes, are reenacted to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has

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made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this subsection, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. A man's acknowledgment of paternity of the child does not limit the period of time considered in determining whether the child was abandoned. The term does not include a surrendered infant as described in s. 383.50, a "child in need of services" as defined in chapter 984, or a "family in need of services" as defined in chapter 984. The absence of a parent, legal custodian, or caregiver responsible for a child's welfare, who is a servicemember, by reason of deployment or anticipated deployment as defined in 50 U.S.C. s. 3938(e), may not be considered or used as a factor in determining abandonment. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

(37) "Harm" to a child's health or welfare can occur when any person:

(e) Abandons the child. Within the context of the definition of "harm," the term "abandoned the child" or "abandonment of the child" means a situation in which the parent

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or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this paragraph, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. The term "abandoned" does not include a surrendered infant as described in s. 383.50, a child in need of services as defined in chapter 984, or a family in need of services as defined in chapter 984. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

Section 16. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 44.1011, Florida Statutes, is reenacted to read:

44.1011 Definitions.—As used in this chapter:

(2) "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of

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581 helping the disputing parties reach a mutually acceptable and  
 582 voluntary agreement. In mediation, decisionmaking authority  
 583 rests with the parties. The role of the mediator includes, but  
 584 is not limited to, assisting the parties in identifying issues,  
 585 fostering joint problem solving, and exploring settlement  
 586 alternatives. "Mediation" includes:

587 (d) "Dependency or in need of services mediation," which  
 588 means mediation of dependency, child in need of services, or  
 589 family in need of services matters. Negotiations in dependency  
 590 or in need of services mediation are primarily conducted by the  
 591 parties. Counsel for each party may attend the mediation  
 592 conference and privately communicate with their clients.  
 593 However, presence of counsel is not required and, in the  
 594 discretion of the mediator and with the agreement of the  
 595 parties, mediation may proceed in the absence of counsel unless  
 596 otherwise ordered by the court.

597 Section 17. For the purpose of incorporating the amendment  
 598 made by this act to section 984.03, Florida Statutes, in a  
 599 reference thereto, paragraph (d) of subsection (2) of section  
 600 44.102, Florida Statutes, is reenacted to read:

601 44.102 Court-ordered mediation.—

602 (2) A court, under rules adopted by the Supreme Court:

603 (d) In circuits in which a dependency or in need of  
 604 services mediation program has been established, may refer to  
 605 mediation all or any portion of a matter relating to dependency  
 606 or to a child in need of services or a family in need of  
 607 services.

608 Section 18. For the purpose of incorporating the amendment  
 609 made by this act to section 984.03, Florida Statutes, in a

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610 reference thereto, subsection (1) of section 984.04, Florida  
 611 Statutes, is reenacted to read:

612 984.04 Early truancy intervention; families in need of  
 613 services and children in need of services; procedures and  
 614 jurisdiction.—

615 (1) The department shall be responsible for all nonjudicial  
 616 proceedings involving voluntary family services for a family  
 617 identified as a family in need of services according to rules  
 618 established by the department under chapter 120.

619 Section 19. For the purpose of incorporating the amendment  
 620 made by this act to section 984.03, Florida Statutes, in a  
 621 reference thereto, subsection (1) of section 984.071, Florida  
 622 Statutes, is reenacted to read:

623 984.071 Resources and information.—

624 (1) The department shall develop and publish an information  
 625 guide that explains the current process under this chapter for  
 626 obtaining assistance for a child in need of services or a family  
 627 in need of services and the community services and resources  
 628 available to parents. The information guide shall be published  
 629 in a written format for distribution and shall also be published  
 630 on the department's website. Each information guide shall be  
 631 reviewed annually and updated as appropriate. The school  
 632 district shall distribute this information guide to parents of  
 633 truant children, and to other parents upon request or as deemed  
 634 appropriate by the school district. In addition, the department  
 635 shall distribute the information guide to state and local law  
 636 enforcement agencies. Any law enforcement officer who has  
 637 contact with the parent of a child who is locked out of the  
 638 home, who is ungovernable, or who runs away from home shall make

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the information guide available to the parent.

Section 20. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in references thereto, subsections (1) and (2) of section 984.10, Florida Statutes, are reenacted to read:

984.10 Intake.—

(1) Intake shall be performed by the department or the department's authorized agent. A report alleging that a child is from a family in need of services shall be made to the intake office operating in the county in which the child is found or in which the case arose. Any person or agency, including, but not limited to, the parent, legal guardian, or custodian, the local school district, a law enforcement agency, or the Department of Children and Families, having knowledge of the facts may make a report.

(2) A representative of the department shall make a preliminary determination as to whether the report is complete. The criteria for the completeness of a report with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03. In any case in which the representative of the department finds that the report is incomplete, the representative of the department shall return the report without delay to the person or agency originating the report or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report.

Section 21. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in a

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reference thereto, section 984.12, Florida Statutes, is reenacted to read:

984.12 Case staffing; services and treatment related to a family in need of services.—

(1) The appropriate representative of the department shall request a meeting of the family and child with a case staffing committee to review the case of any family or child who the department determines is in need of services if:

(a) The family or child is not in agreement with the services or treatment offered;

(b) The family or child will not participate in the services or treatment selected; or

(c) The representative of the department needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the department, and may include the department's authorized agent and a supervisor of the department's contracted provider; a representative from the area of health, mental health, substance abuse, or social services; a representative of the state attorney; a representative of law enforcement; and any person recommended by the child, family, or department. The child and the child's parent, legal guardian, or custodian must be invited to attend the committee meeting.

(3) The case staffing committee shall:

(a) Identify the family's concerns and contributing

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697 factors.

698 (b) Request the family and child to identify their needs

699 and concerns.

700 (c) Seek input from the school district and any other

701 persons in attendance with knowledge of the family or child's

702 situation and concerns.

703 (d) Consider the voluntary family services or other

704 community services that have been offered and the results of

705 those services.

706 (e) Identify whether truancy is a concern and evaluate

707 compliance with the remedial strategies provided pursuant to s.

708 1003.26.

709 (f) Reach a timely decision to provide the child or family

710 with services and recommend any appropriate treatment through

711 the development of a plan for services.

712 (4) The plan for services shall contain the following:

713 (a) Statement of the concerns.

714 (b) Needs of the child.

715 (c) Needs of the parents, legal guardian, or custodian.

716 (d) Measurable objectives that address the identified

717 problems and needs.

718 (e) Services and treatment to be provided, to include:

719 1. Type of services or treatment.

720 2. Frequency of services or treatment.

721 3. Location.

722 4. Accountable service providers or staff.

723 (f) Timeframes for achieving objectives.

724 (5) Upon receipt of the plan, the child and family shall

725 acknowledge their position by accepting or rejecting the

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726 services and provisions in writing. If the plan is accepted, it

727 shall be implemented as soon as is practicable.

728 (6) The assigned case manager shall have responsibility for

729 implementing the plan. The department's authorized agent shall

730 periodically review the progress towards achieving the

731 objectives of the plan in order to:

732 (a) Advise the case staffing committee of the need to make

733 adjustments to the plan;

734 (b) Recommend a child in need of services petition be filed

735 by the department; or

736 (c) Terminate the case as indicated by successful or

737 substantial achievement of the objectives of the plan.

738 (7) The parent, legal guardian, or custodian may convene a

739 meeting of the case staffing committee. A case staffing

740 committee meeting requested by a parent, guardian, or legal

741 custodian must be convened within 7 days, excluding weekends and

742 legal holidays, after the date the department's representative

743 receives the request in writing.

744 (8) Any other member of the committee may convene a meeting

745 if voluntary family services have been offered and the services

746 have been rejected by the child or family, or the child has not

747 made measurable progress toward achieving the service plan

748 goals, and the member finds that doing so is in the best

749 interest of the family or child.

750 (9) A case staffing committee meeting must be convened

751 within 30 days after the date the case is referred by the court

752 pursuant to s. 984.151.

753 (10) Within 7 days after meeting, the case staffing

754 committee shall provide the parent, legal guardian, or custodian

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with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 22. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in a reference thereto, subsection (3) of section 984.13, Florida Statutes, is reenacted to read:

984.13 Taking a child into custody.—

(3) If the child is taken into custody and is delivered to a shelter, the department's authorized agent shall review the facts and make such further inquiry as necessary to determine whether the child shall remain in shelter, receive voluntary family services that would allow the child alleged to be from a family in need of services to remain at home, or be released.

Section 23. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in a reference thereto, subsection (23) of section 985.03, Florida Statutes, is reenacted to read:

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

(23) "Family in need of services" has the same meaning as provided in s. 984.03.

Section 24. For the purpose of incorporating the amendment made by this act to section 984.09, Florida Statutes, in a reference thereto, subsection (33) of section 984.03, Florida Statutes, is reenacted to read:

984.03 Definitions.—When used in this chapter, the term:

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(33) "Shelter" means a department-approved shelter facility for the temporary care of runaway children; for children placed for voluntary shelter respite upon request of the child or the child's parent, legal guardian, or custodian; or for placement of a child who has been adjudicated a child in need of services or who has been found in contempt of court under s. 984.09. Shelters must provide 24-hour continual supervision. A shelter must be licensed by the Department of Children and Families as a licensed child-caring agency.

Section 25. For the purpose of incorporating the amendment made by this act to section 984.09, Florida Statutes, in a reference thereto, subsection (1) of section 984.07, Florida Statutes, is reenacted to read:

984.07 Right to counsel; waiver; appointed counsel; compensation.—

(1) When a petition is filed alleging that a child is a child in need of services or if the child is subject to contempt proceedings under s. 984.09, the child must be represented by counsel at each court appearance. The court must appoint counsel unless the child is not indigent and has counsel present to represent the child or the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court. If the child waives counsel at any proceeding, the court shall advise the child with respect to the right to counsel at every subsequent hearing.

Section 26. For the purpose of incorporating the amendment

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813 made by this act to section 984.09, Florida Statutes, in a  
814 reference thereto, subsection (12) of section 984.151, Florida  
815 Statutes, is reenacted to read:

816 984.151 Early truancy intervention; truancy petition;  
817 judgment.—

818 (12) The court may not order a child placed in shelter  
819 pursuant to this section unless the court has found the child to  
820 be in contempt for violation of a court order under s. 984.09.

821 Section 27. This act shall take effect upon becoming a law.

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26  
Meeting Date

SB 1734  
Bill Number or Topic

SENATE JUVENILE JUSTICE  
Committee

Amendment Barcode (if applicable)

Name CHRISTIAN MINOR

Phone (321) 223-4232

Address 2850 PABLO AVE  
Street

Email \_\_\_\_\_

TALLAHASSEE  
City

FL  
State

32308  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

FLORIDA JUVENILE JUSTICE ASSOCIATION

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

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

S-001 (08/10/2021)

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate

## APPEARANCE RECORD

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

1734

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1/26/26  
Meeting Date

Criminal Justice  
Committee

SB 1734  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Klaban Phone (850) 717-2716

Address 2737 Centerview Dr. Email Christopher.Klaban@FLD.JS.Gov  
Street

Tallahassee FL 32399  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Department of Juvenile Justice

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: CS/SB 1742

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Lewd or Lascivious Exhibition

DATE: January 28, 2026

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1742 creates s. 800.035, F.S., establishing the crime of indecent exposure of sexual organs to a minor. A person may not:

- Intentionally expose his or her sexual organ in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or
- Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.

“Viewing” means that the offender knows that a person younger than 16 years of age is present, and the offender is reasonably capable of being seen by such person. The term does not require such person to be aware of any specific organs to a minor.

A person who commits the offense of indecent exposure of sexual organs to a minor commits a third degree felony.<sup>1</sup>

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<sup>1</sup> A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine up to \$5,000, as provided in ss. 775.082, 775.083, or 775.084, F.S.

The bill repeals s. 800.02, F.S., relating to unnatural and lascivious acts.

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

The bill takes effect on October 1, 2026.

## **II. Present Situation:**

### **Lewd or Lascivious Offenses**

Florida law contains various sections of law relating to lewd or lascivious offenses. This includes, in part, prohibitions on lewd or lascivious exhibition in the presence of a minor.

#### ***Lewd or Lascivious Conduct***

Section 800.04(6), F.S., provides that a person who commits lewd or lascivious conduct, if he or she:

- Intentionally touches a person under 16 years of age in a lewd or lascivious manner;<sup>2</sup> or
- Solicits a person under 16 years to commit a lewd or lascivious act.<sup>3</sup>

An offender 18 years of age or older who commits lewd or lascivious conduct commits a second degree felony.<sup>4</sup> An offender less than 18 years of age or older who commits lewd or lascivious conduct commits a third degree felony.<sup>5</sup>

#### ***Lewd or Lascivious Exhibition***

Section 800.04(7), F.S., provides that a person commits Lewd or Lascivious Exhibition if he or she, in the presence of a victim who is less than 16:

- Intentionally masturbates;
- Intentionally exposes the genitals in a lewd or lascivious manner; or
- Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.

An offender 18 years of age or older who commits a lewd or lascivious exhibition<sup>6</sup> commits a second degree felony.<sup>7</sup>

---

<sup>2</sup> Section (6)(a)1., F.S.

<sup>3</sup> Section (6)(a)2., F.S.

<sup>4</sup> Section (6)(b), F.S.

<sup>5</sup> Section (6)(c), F.S.

<sup>6</sup> Section 800.04(7)(b), F.S.

<sup>7</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

An offender less than 18 years of age who commits a lewd or lascivious exhibition<sup>8</sup> commits a third degree felony.<sup>9</sup>

A mother breastfeeding her baby does not under any circumstance constitute a violation of this section.<sup>10</sup>

### ***Exposure of Sexual Organs***

Publicly exposing sexual organs may be criminal behavior. The criminal act of exposure of sexual organs occurs when a person:

- Exposes or exhibits his or her sexual organs in public, or on the private premises of another, or so near thereto as to be seen from the private premises, in a vulgar or indecent manner; or
- Is naked in public in a vulgar or indecent manner.<sup>11</sup>

Exposure of sexual organs is a first degree misdemeanor.<sup>12</sup> However, a second or subsequent violation is a third degree felony.

Courts have consistently held that being naked alone is not sufficient to violate s. 800.03, F.S. To trigger a violation, there must also be a “lascivious” exhibition of the sexual organs.<sup>13</sup>

### ***Unnatural and lascivious act***

A person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree.<sup>14,15</sup>

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

CS/SB 1742 creates s. 800.035, F.S., establishing the crime of indecent exposure of sexual of sexual organs. A person may not:

- Intentionally expose his or her sexual organ in a lewd or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or
- Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.

---

<sup>8</sup> Section 800.03, F.S.

<sup>9</sup> A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a fine up to \$5,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>10</sup> Section 800.04(8), F.S.

<sup>11</sup> Section 800.03, F.S.

<sup>12</sup> A first degree misdemeanor is punishable by a term of imprisonment not to exceed one year and a fine up to \$1,000, as provided in ss. 775.082 or 775.083, F.S.

<sup>13</sup> *Hoffman v. Carson*, 250 So 2d 891(Fla. 1971).

<sup>14</sup> Section 800.02, F.S.

<sup>15</sup> A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a \$500 fine, as provided in ss. 775.082 and 775.083, F.S.

“Viewing” means that the offender knows that a person younger than 16 years of age is present, and the offender is reasonably capable of being seen by such person. The term does not require such person to be aware of any specific organs to a minor.

The bill provides exceptions to the crime of indecent exposure of sexual organs to a if the person is either:

- A mother who is breastfeeding her baby.
- An individual who is merely nude in a place provided or set apart for the purpose.

The bill repeals s 800.02, F.S., relating to unnatural and lascivious acts.

This bill takes effect on October 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.

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

None.

##### **G. Private Sector Impact:**

None.

**H. Government Sector Impact:**

The bill may have a positive indeterminate prison bed impact (unquantifiable increase prison bed impact) on the Department of Corrections due to creating a crime to include acts which not covered in current law.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill creates section 800.035 of the Florida Statute.

This bill repeals section 800.04 of the Florida Statute.

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

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

**CS by Criminal Justice on January 26, 2026:**

The committee substitute:

- Creates the third degree felony crime of indecent exposure to a minor. The crime prohibits lewd or sexual acts while viewing a child, for the purpose of attaining sexual arousal or gratification.
- Repeals unnatural and lascivious acts statute.

**B. Amendments:**

None.



866418

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
	.	
	.	

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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 800.02, Florida Statutes, is repealed.

Section 2. Section 800.035, Florida Statutes, is created to  
read:

800.035 Indecent exposure of sexual organs to a minor.—

(1) A person may not:

(a) Intentionally expose his or her sexual organ in a lewd



866418

or lascivious manner while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification; or

(b) Intentionally perform any sexual act that does not involve actual physical or sexual contact with the minor, including, but not limited to, sadomasochistic abuse, sexual bestiality, masturbation, or the simulation of any act involving sexual activity, while viewing a person who is younger than 16 years of age for the purpose of attaining sexual arousal or gratification.

(2) For the purposes of this section, the term "viewing" means that the offender knows that a person younger than 16 years of age is present, and the offender is reasonably capable of being seen by such person. The term does not require such person to be aware of any specific conduct or to see the offender's sexual organs.

(3) A person who violates subsection (1) commits the offense of indecent exposure of sexual organs to a minor, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or 775.084.

(4) A person does not commit the offense of indecent exposure of sexual organs to a minor if the person is either of the following:

(a) A mother who is breastfeeding her baby.

(b) An individual who is nude in a place provided or set apart for that purpose.

Section 3. Section 914.16, Florida Statutes, is amended to read:

914.16 Child abuse and sexual abuse of victims under age 16



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or who have an intellectual disability; limits on interviews.—  
The chief judge of each judicial circuit, after consultation  
with the state attorney and the public defender for the judicial  
circuit, the appropriate chief law enforcement officer, and any  
other person deemed appropriate by the chief judge, shall order  
reasonable limits on the number of interviews which a victim of  
a violation of s. 794.011, s. 800.04, s. 827.03, or s.  
847.0135(5) who is under 16 years of age or a victim of a  
violation of s. 794.011, ~~s. 800.02~~, s. 800.03, or s. 825.102 who  
has an intellectual disability as defined in s. 393.063 must  
submit to for law enforcement or discovery purposes. To the  
extent possible, the order must protect the victim from the  
psychological damage of repeated interrogations while preserving  
the rights of the public, the victim, and the person charged  
with the violation.

Section 4. Paragraph (b) of subsection (7) of section  
933.18, Florida Statutes, is amended to read:

933.18 When warrant may be issued for search of private  
dwelling.—No search warrant shall issue under this chapter or  
under any other law of this state to search any private dwelling  
occupied as such unless:

(7) One or more of the following child abuse offenses is  
being committed there:

~~(b) Commission of an unnatural and lascivious act with a  
child, in violation of s. 800.02.~~

If, during a search pursuant to a warrant issued under this  
section, a child is discovered and appears to be in imminent  
danger, the law enforcement officer conducting such search may



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remove the child from the private dwelling and take the child into protective custody pursuant to chapter 39. The term "private dwelling" shall be construed to include the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodginghouse. No warrant shall be issued for the search of any private dwelling under any of the conditions hereinabove mentioned except on sworn proof by affidavit of some creditable witness that he or she has reason to believe that one of said conditions exists, which affidavit shall set forth the facts on which such reason for belief is based.

Section 5. This act shall take effect October 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 indecent exposure of sexual organs to minors; repealing s. 800.02, F.S., relating to unnatural and lascivious acts; creating s. 800.035, F.S.; prohibiting a person from intentionally exposing or exhibiting his or her sexual organ in a lewd or lascivious manner while viewing a person who is younger than 16 years of age or performing specified sexual acts while viewing a person who is younger than 16 years of age for a specified purpose; defining the term "viewing"; providing a criminal penalty; providing exceptions; amending ss. 914.16 and 933.18,



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98 F.S.; conforming cross-references; providing an  
99 effective date.

By Senator Martin

33-00627-26

20261742\_\_

1 A bill to be entitled  
 2 An act relating to lewd or lascivious exhibition;  
 3 amending s. 800.04, F.S.; defining the term  
 4 "presence"; adding an offender knowing or having  
 5 reason to know a minor is present as an element of the  
 6 criminal offense of lewd or lascivious exhibition;  
 7 providing criminal penalties; providing an effective  
 8 date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Present paragraphs (d) and (e) of subsection (1)  
 13 of section 800.04, Florida Statutes, are redesignated as  
 14 paragraphs (e) and (f), respectively, a new paragraph (d) is  
 15 added to that subsection, and subsection (7) of that section is  
 16 amended, to read:  
 17 800.04 Lewd or lascivious offenses committed upon or in the  
 18 presence of persons less than 16 years of age.—  
 19 (1) DEFINITIONS.—As used in this section:  
 20 (d) "Presence" means reasonably capable of being viewed by  
 21 the victim. The term does not require that a victim be aware of,  
 22 see, or perceive any specific conduct.  
 23 (7) LEWD OR LASCIVIOUS EXHIBITION.—  
 24 (a) A person who:  
 25 1. Intentionally masturbates;  
 26 2. Intentionally exposes the genitals in a lewd or  
 27 lascivious manner; or  
 28 3. Intentionally commits any other sexual act that does not  
 29 involve actual physical or sexual contact with the victim,

Page 1 of 2

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

33-00627-26

20261742\_\_

30 including, but not limited to, sadomasochistic abuse, sexual  
 31 bestiality, or the simulation of any act involving sexual  
 32 activity,  
 33  
 34 in the presence of a victim who is younger ~~less~~ than 16 years of  
 35 age, knowing or having reason to know the victim is present,  
 36 commits lewd or lascivious exhibition.  
 37 (b) An offender 18 years of age or older who commits a lewd  
 38 or lascivious exhibition commits a felony of the second degree,  
 39 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 40 (c) An offender younger ~~less~~ than 18 years of age who  
 41 commits a lewd or lascivious exhibition commits a felony of the  
 42 third degree, punishable as provided in s. 775.082, s. 775.083,  
 43 or s. 775.084.  
 44 Section 2. This act shall take effect October 1, 2026.

Page 2 of 2

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

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1742

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

01/26/26

Meeting Date

CRIMINAL JUSTICE

Committee

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ORANGE COUNTY

SB 1742

Bill Number or Topic

Amendment Barcode (if applicable)

Name

LIEUTENANT CHIP DENMARK

SO.

Phone

407-448-1690

Address

2500 W. COLONIAL DR

Email

CHARLES.DENMARK@OLSO.FL.COM

Street

ORLANDO

FL

32804

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

SHERIFF MINA

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

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1/26/26

Meeting Date

Criminal Justice

Committee

1742

Bill Number or Topic

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216

Street

Email John.Labriola@cfaflo.org

Miami

City

FL

State

33265

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Christian Family Coalition Florida

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

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

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S-001 (08/10/2021)

January 26, 2026

Meeting Date  
**Criminal Justice**

Committee

The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

1660

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

☐

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

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

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

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 1750

INTRODUCER: Senator Martin

SUBJECT: Criminal Sexual Conduct

DATE: January 23, 2026

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

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

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**I. Summary:**

SB 1750 amends multiple sections across the Florida Statutes to increase penalties, provide mandatory minimum sentencing, and revise crimes related to sex offenses. Specifically, the bill amends:

- Section 775.0847, F.S., to revise the circumstances under which the violation of specified offenses relating to child pornography must be reclassified to the next higher degree and provide for mandatory minimum terms of imprisonment.
- Section 794.0116, F.S., to increase mandatory minimum prison sentences for certain sexual offenses committed by persons previously convicted of a sexual offense.
- Section 827.071, F.S., to revise the terms “child” or “minor,” increase penalties for use of a child in a sexual performance and provide mandatory minimum sentencing for such offense, create the crime of aggravated use of a child in a sexual performance, provide a mandatory minimum sentence for promoting a sexual performance by a child, and increase the penalty for knowingly soliciting, etc., child pornography.
- Section 827.072, F.S., to provide increased penalties and provide a mandatory minimum sentence for persons who intentionally create generated child pornography.
- Section 828.126, F.S., to provide increased penalties for offenses relating to sexual activities involving animals.
- Section 847.011, F.S., to provide that this section, relating to the prohibition of certain acts in connection with obscene, lewd, etc., material, does not apply to persons charged solely under a section relating to child pornography.
- Section 847.0137, F.S., to define the terms “access credential,” “cloud storage,” “link,” and “transmit,” creates a crime relating to knowingly granting or facilitating access to child pornography, increases penalties related to child pornography, and provides a good faith exception for reporting information to law enforcement.
- Section 921.0022, F.S., to rank offenses relating to criminal sexual conduct in the Offense Severity Ranking Chart (OSRC) of the Criminal Punishment Code.

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

The bill takes effect on October 1, 2026.

## II. Present Situation:

Florida law currently contains a variety of statutes that prohibit acts relating to criminal sexual conduct. A summary of these laws follows.

### **Sexual Performance by a Child, Child Pornography, Possession or Promotion of Child Pornography, Sexual Activity Involving Animals**

#### ***Sexual performance by a child***

A person is guilty of the use of a child in a sexual performance, if they direct, or promote any performance which includes sexual conduct by a child.<sup>1</sup> A person who violates this offense commits a second degree felony.<sup>2</sup>

It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, that includes child pornography. The possession of three or more copies of such media is prima facie evidence of an intent to promote.<sup>3</sup> A person who violates this offense commits a second degree felony.

It is unlawful for any person to knowingly solicit, possess, control, or intentionally view any media which, they know to include child pornography. The solicitation, possession, control, or intentional viewing of each such media is a separate offense. If such media depicts more than one child, then each such child in each such media that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense.<sup>4</sup> A person who violates this offense commits a third degree felony.<sup>5</sup>

#### ***Child Pornography***

Child pornography is any image depicting a minor engaged in sexual conduct; or any image that has been created, altered, adapted, or modified by electronic, mechanical or other means, to portray an identifiable minor engaged in sexual conduct.<sup>6</sup>

Generally, the First Amendment does not protect child pornography. In *New York v. Ferber*,<sup>7</sup> the Supreme Court of the United States recognized that states have a compelling interest in

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<sup>1</sup> Section 827.071(3), F.S.

<sup>2</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>3</sup> Section 827.071(4), F.S.

<sup>4</sup> Section 827.071(5)(a), F.S.

<sup>5</sup> A third degree felony is generally punishable by not more than 5 years in prison and a fine not exceeding \$5,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>6</sup> Section 827.071(1)(b), F.S.

<sup>7</sup> *New York v. Ferber*, 458 U.S. 747 (1982).

safeguarding the physical and psychological well-being of minors and in preventing their sexual exploitation and abuse. The Court noted that it was “unlikely that visual depictions of children . . . lewdly exhibiting their genitals would often constitute an important and necessary part of a literary performance or scientific or educational work.”<sup>8</sup>

The use of AI has also been used to create child pornography, sometimes referred to as “morphing.” The Federal Government prohibits such images, however, the Supreme Court of the United States has found that the child or minor depicted in the image must be a real minor for such bans to pass constitutional muster.<sup>9</sup> Under these principles, states have constitutionally been able to criminalize the possession, distribution, etc., of child pornography. However, the constitutionality of criminalizing such acts is less clear when the images at issue are morphed pornography.

### ***Child Pornography Prevention Action of 1996***

In 1996, Congress passed the Child Pornography Prevention Action of 1996 (CPPA),<sup>10</sup> which created a definition of “child pornography.” This criminalized, for the first time, acts relating to morphed child pornography. Under the CPPA, “child pornography” was defined as:

- (8) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct,<sup>11</sup> where:
  - (A) The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
  - (B) Such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct (i.e., *virtual child pornography – created without using an actual child*);
  - (C) Such visual depiction has been created, adapted, or modified to appear that an identifiable minor<sup>12</sup> is engaging in sexually explicit conduct (i.e., *morphed child pornography*); or
  - (D) Such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.<sup>13</sup>

In 2002, the United States Supreme Court decided *Ashcroft v. Free Speech Coalition*,<sup>14</sup> a case in which a California trade association for the adult-entertainment industry challenged section 2256(8)(B) of the CPPA as unconstitutionally overbroad. As noted above, section 2256(8)(B)

<sup>8</sup> *Id.* at 763.

<sup>9</sup> See *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002).

<sup>10</sup> Pub. L. No. 104-208, s. 121.

<sup>11</sup> The term “sexually explicit conduct” was defined as actual or simulated sexual intercourse (including genital-genital, oral-genital, anal-genital, or oral-anal) whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person. 18 U.S.C. s. 2256(2) (1996 ed.).

<sup>12</sup> The term “identifiable minor” was defined as a person who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, and: who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction. The term was not be construed to require proof of the actual identity of the identifiable minor. 18 U.S.C. s. 2556(9) (1996 ed.).

<sup>13</sup> 18 U.S.C. s. 2556(8) (1996 ed.).

<sup>14</sup> 535 U.S. 234 (2002).

made it a crime to possess or distribute images depicting a child or what appears to be a child, engaging in sexually explicit conduct (i.e., virtual child pornography).<sup>15</sup>

The Court held that the “speech” criminalized in the challenged provision of the CPPA violated the First Amendment because it extended the federal prohibition against child pornography to sexually explicit images that appeared to depict minors but were produced without using any real children.<sup>16</sup> The Court decided that by prohibiting child pornography that did not depict an actual child, section 2256(8)(B) of the CPPA “abridged the freedom to engage in a substantial amount of lawful speech” and was therefore overbroad and unconstitutional.<sup>17</sup>

The *Ashcroft* decision did not specifically address the constitutionality of 18 U.S.C. 2256(8)(C) (prohibiting *morphed* child pornography), it did note, in dictum, that “[a]lthough morphed images may fall within the definition of virtual child pornography, they implicate the interests of real children. . .”<sup>18</sup> Courts have taken this dictum to suggest that the *Ashcroft* court would have deemed morphed child pornography as not protected by the First Amendment.<sup>19</sup>

### ***Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act (Protect Act)***

Congress attempted to remedy the constitutional issues raised in *Ashcroft* by passing the “Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act” (Protect Act) in 2003.<sup>20</sup> The Protect Act, in part, narrowed the definition of “virtual” child pornography in section (8)(B) of the CPPA to include virtual or computer-generated images that are “indistinguishable from” images of actual minors engaging in sexually explicit conduct.<sup>21</sup>

Notably, the definition of “morphed” child pornography contained in section 2256(8)(C) remained unchanged between the CPPA and the Protect Act.

### ***Case Law since the Passage of the Protect Act***

To date, the federal statutes relating to morphed child pornography have been upheld.<sup>22</sup> In *United States v. Bach*,<sup>23</sup> the defendant was convicted of possessing morphed child pornography. The image at issue showed a young nude boy sitting in a tree, grinning, with his pelvis tilted upward, his legs opened wide, and a full erection.<sup>24</sup> The photograph of a well-known child entertainer’s head had been “skillfully inserted onto the photograph of the nude boy so that the resulting image appeared to be a nude picture of [the child entertainer] sitting in the tree.”<sup>25</sup>

<sup>15</sup> 18 U.S.C. s. 2256(8) (1996 ed.).

<sup>16</sup> *Ashcroft*, 535 U.S. at 256.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 242.

<sup>19</sup> *McFadden v. Alabama*, 67 So. 3d 169, 181-182 (Ala. Crim. App. 2010).

<sup>20</sup> Pub. L. No. 108-21.

<sup>21</sup> 18 U.S.C. s. 2256(8)(B).

<sup>22</sup> See *United States v. Ramos*, 685 F. 3d 120, 134 (2d Cir. 2012), *cert. denied*, 133 S.Ct. 567 (2012); see also *Doe v. Boland*, 630 F. 3d 491, 497 (6th Cir. 2011).

<sup>23</sup> *United States v. Bach*, 400 F. 3d 622 (8th Cir. 2005).

<sup>24</sup> *Id.* at 625.

<sup>25</sup> *Id.*

The defendant appealed arguing that his conviction was invalid because the definition of morphed child pornography violated the First Amendment. The United States Court of Appeals for the Eighth Circuit disagreed, holding that morphed child pornography “implicate the interests of a real child,” and creates a lasting record of an identifiable minor child seemingly engaged in sexually explicit activity.<sup>26</sup> The court noted that there may be instances when the “application of s. 2256(8)(C) violates the First Amendment, this is not such a case. This image involves the type of harm which can constitutionally be prosecuted under [*Ashcroft*] and *Ferber*.”<sup>27</sup>

In *United States v. Anderson*, the defendant was charged with distribution of morphed child pornography relating to an image in which the face of a minor female was superimposed over the face of an adult female engaging in sex with an adult male.<sup>28</sup> The defendant moved to dismiss the charge, arguing that the definition of morphed child pornography was unconstitutionally overbroad.<sup>29</sup> The court noted that the image at issue was different from the one in *Bach* in that “no minor was sexually abused.”<sup>30</sup> However, the court held that because such images falsely portray identifiable children engaging in sexual activity, such images implicate the government’s compelling interest in protecting minors. Using this reasoning, the court held that the definition of morphed child pornography was constitutional.<sup>31</sup>

In 2024, Florida passed laws related to generated child pornography. It is unlawful for a person to knowingly possess, control or intentionally view any media which, in whole or in part, is known to include generated child pornography. The possession, control, or intentional viewing of each such media is a separate offense.<sup>32</sup> A person who violates this offense commits a third degree felony.

Generated child pornography, means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.<sup>33</sup>

Section 847.0135, F.S., specifies the criminal offense of computer pornography. It is a third degree felony for a person who:

- Knowingly compiles, enters into, or transmits<sup>34</sup> by use of computer;
- Makes, prints, publishes, or reproduces by other computerized means;
- Knowingly causes or allows to be entered into or transmitted by use of computer; or

---

<sup>26</sup> *Id.* at 632.

<sup>27</sup> *Id.* See also *United States v. Hotaling*, 634 F. 3d 725 (2d Cir. 2008), cert. denied, 132 S.Ct. 843 (2011) (citing *Bach*, the Court held that “child pornography created by digitally altering sexually explicit photographs of adults to display the face of a child is not protected expressive speech under the First Amendment”).

<sup>28</sup> 759 F. 3d 891 (8th Cir. 2014).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 895.

<sup>31</sup> *Id.* at 896.

<sup>32</sup> Section 827.072(2)(a), F.S.

<sup>33</sup> Section 827.072(1)(a), F.S.

<sup>34</sup> Section 847.0137, F.S., defines the term “transmit” to mean the act of sending and causing to be delivered, including the act of providing access for receiving and causing to be delivered, any image, information, or data over or through any medium, including the internet or an interconnected network, by use of any electronic equipment or other device.

- Buys, sells, receives, exchanges, or disseminates any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct.<sup>35</sup>

Section 775.0847, F.S., reclassifies violations of sexual performance by a child; computer pornography; prohibited computer usage; traveling to meet a minor; transmission of pornography by electronic device or equipment; and transmission of material harmful to minors to a minor by electronic device or equipment, to the next higher degree if:

- The offender possesses 10 or more images of any form of child pornography<sup>36</sup> regardless of content; and
- The content of at least one image contains one or more of the following:
  - A child who is younger than the age of 5.
  - Sadomasochistic abuse<sup>37</sup> involving a child.
  - Sexual battery involving a child.
  - Sexual bestiality involving a child.
  - Any movie involving a child, regardless of length and whether the movie contains sound.<sup>38</sup>

In case of a third degree felony, the offense is reclassified to a second degree felony.<sup>39</sup>

In the case of a second degree felony, the offense is reclassified to a first degree felony.<sup>40,41</sup>

### ***Mandatory Minimum Sentencing for Sex Offenses***

Certain sexual offenses will carry mandatory minimum sentences if committed by a person who was previously convicted of or had an adjudication withheld for a specified offense.<sup>42</sup> A person who was previously convicted of or had adjudication withheld for sexual offenses must be sentenced to a mandatory minimum term of imprisonment as follows:

Lewd or lascivious molestation <sup>43</sup>	10 years
Lewd or lascivious molestation of an elderly person or disabled person <sup>44</sup>	10 years
Use of a child in a sexual performance <sup>45</sup>	20 years

<sup>35</sup> Section 847.0135(2)(a)-(c), F.S.

<sup>36</sup> Section 775.0847(1)(b), F.S., defines "child pornography" to mean any image depicting a minor engaged in sexual conduct.

<sup>37</sup> Section 775.0847(1)(e), F.S., defines "sadomasochistic abuse," to mean flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction, or satisfaction brought about as a result of sadistic violence, from inflicting harm on another or receiving such harm oneself.

<sup>38</sup> Section 775.0847(2), F.S.

<sup>39</sup> Section 775.0847(3)(a), F.S.

<sup>40</sup> Section 775.0847(3)(b), F.S.

<sup>41</sup> A first degree felony is generally punishable by up to 30 years in prison and a fine not exceeding \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>42</sup> Section 794.0116, F.S.

<sup>43</sup> Section 800.04(5), F.S.

<sup>44</sup> Section 825.0125(3), F.S.

<sup>45</sup> Section 827.071(2), F.S.

Promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child <sup>46</sup>	20 years
Possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography <sup>47</sup>	15 years
Knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography <sup>48</sup>	10 years
Computer pornography <sup>49</sup>	10 years
Transmission of pornography by electronic device or equipment <sup>50</sup>	10 years
Selling or buying of minors <sup>51</sup>	20 years

### ***Obscenity and The Miller Test***

The U.S. Supreme Court has long held that obscenity is not within the area of constitutionally protected speech, however, sex and obscenity are not synonymous. The Court held that portrayal of sex, for example, in art, literature and scientific works, is not itself a sufficient reason to deny material the constitutional protections of free speech. Obscene material is material that deals with sex in a manner appealing to prurient interests.<sup>52</sup> The U.S. Supreme Court's standard for determining what material is obscene has evolved over the years.<sup>53</sup>

In 1973, the U.S. Supreme Court developed a three-prong test in *Miller v. California*,<sup>54</sup> to define obscene speech. The court acknowledged the inherent dangers of undertaking to regulate any form of expression, and that statutes designed to regulate obscene materials must be carefully limited. This is the test that is still used today to determine whether speech is obscene. According to the *Miller* test, speech is determined to be obscene if:

- The average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
- The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and

<sup>46</sup> Section 827.071(3), F.S.

<sup>47</sup> Section 827.071(4), F.S.

<sup>48</sup> Section 827.071(5)(a), F.S.

<sup>49</sup> Section 847.0135, F.S.

<sup>50</sup> Section 847.0137, F.S.

<sup>51</sup> Section 847.0145, F.S.

<sup>52</sup> *Roth v. U.S.*, S. Ct. 1304 (1957).

<sup>53</sup> See *Roth v. U.S.*, S. Ct. 1304 (1957); *A book named 'John Cleland's Memoirs of a Woman of Pleasure,' et al., v. Attorney General of the Commonwealth of Massachusetts*, 86 S. Ct. 975 (1965); *Miller v. California*, 413 U.S. 15 (1973).

<sup>54</sup> *Miller v. California*, 413 U.S. 15 (1973).

- The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.<sup>55</sup>

In addressing the contemporary community standard, the court in *Miller* stated “to require a state to structure obscenity proceedings around evidence of a national ‘community standard’ would be an exercise in futility,” and held that the requirement of the jury to evaluate the materials with reference to contemporary standards of the State is constitutionally adequate.<sup>56</sup>

### ***Material Harmful to Minors***

The power of the state to control the conduct of children reaches beyond the scope of its authority over adults. The state may give minors a more restricted right than that assured to adults to determine for themselves what sex material they may read or see.<sup>57</sup> The U.S. Supreme Court held in *Ginsberg*, that a statute which defined obscenity of material on a basis of its appeal to minors, by prohibiting the sale of obscene material harmful to minors, to youths had a rational relation to the objective of safeguarding such minors from harm, and was constitutionally valid.<sup>58</sup>

Further, courts have found that the state has a “‘compelling interest in protecting the physical and psychological well-being of minors’ which ‘extends to shielding minors from the influence of literature that is not obscene by adult standards.’ In doing so, however, the means must be narrowly tailored to achieve that end so as not to unnecessarily deny adults access to material which is constitutionally protected indecent material. No similar tailoring is required when the material is obscene material, which is not protected by the First Amendment.”<sup>59</sup>

Despite the Court’s clear ruling that a state may regulate material harmful to minors, but not obscene for adults, some statutes have been found unconstitutionally overbroad and criminalized constitutionally protected speech. For example, in *Powell’s Books Inc. v. Kroger*, the Ninth Circuit Court of Appeals struck down a pair of statutes aimed at prohibiting “luring” and “grooming.”<sup>60</sup> The first statute struck down in this case criminalized providing children under the age of 13 with sexually explicit material, and the second statute criminalized providing minors under the age of 18 with visual, verbal, or narrative descriptions of sexual conduct for the purpose of sexually arousing the minor or the furnisher, or inducing the minor to engage in sexual conduct.<sup>61</sup>

In *Powell’s Books, Inc.*, the court found that speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed simply to protect youth from ideas or images legislators find unsuitable. “To criminalize furnishing material solely intended to titillate the reader will certainly sweep up some material that appeals to the prurient interests of children and minors, but it will also criminalize a broad swath of material that does not appeal to prurient interests.”<sup>62</sup> The court found that the statutes were overbroad and reached far more material than hardcore pornography or material that is obscene to minors.

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<sup>55</sup> *Id.* at 24.

<sup>56</sup> *Id.* at 33-34.

<sup>57</sup> *Ginsberg v. New York*, 88 S. Ct. 1274 (1968).

<sup>58</sup> *Id.* at 1282

<sup>59</sup> *Simmons v. State*, 944 So. 2d 317 (Fla. 2006). See also *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244-45 (2002).

<sup>60</sup> See *Powell’s Books, Inc. v. Kroger*, 622 F. 3d 1202 (2010).

<sup>61</sup> *Powell’s Books, Inc. v. Kroger*, 622 F. 3d 1202, 1206-07 (2010).

<sup>62</sup> *Id.* at 1214-15.

Similarly, in 2011, in *Entertainment Merchants*, the U.S. Supreme Court found that even where the protection of children is the object the constitutional limits on governmental action apply. While *Entertainment Merchants* did not address obscenity directly, it held a statute that regulated violent video games for minors was unconstitutional, and in doing so, noted that minors are guaranteed protections of the First Amendment.

Minors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well defined circumstances may government bar public dissemination of protected materials to them. No doubt a state possesses legitimate power to protect children from harm, but that does not include a free floating power to restrict the ideas to which children may be exposed. Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them.<sup>63</sup>

### ***Florida Transmission of Material Harmful to Minors***

Because the state may modify the test for obscenity as it relates to what is obscene (or “harmful to minors”), courts have upheld the *Miller* test, as modified for minors. The *Miller* test is incorporated into Florida’s definition of what is “harmful to minors” in s. 847.001(7), F.S., and “obscenity” in s. 847.001(12), F.S.

Section 847.001(7), F.S., defines “harmful to minors” as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement<sup>64</sup> when it:

- Predominantly appeals to a prurient, shameful, or morbid interest;
- Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct *for minors*; and
- Taken as a whole, is without serious literary, artistic, political, or scientific value *for minors*.

Section 847.0138, F.S., provides that:

- Any person who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors to a specific individual known by the defendant to be a minor commits a third degree felony.<sup>65</sup>
- Any person in any jurisdiction other than this state who knew or believed that he or she was transmitting an image, information, or data that is harmful to minors, to a specific individual known by the defendant to be a minor commits a third degree felony.<sup>66,67</sup>

<sup>63</sup> *Brown, Governor of California, et al., Entertainment Merchants Ass’n et al.*, 131 S. Ct. 2729, 2735-36 (2011) (citing *Ernoznik v. Jacksonville*, 422 U.S. 205 (1975); *Ginsberg v. New York*, 88 S. Ct. 1274 (1968); *Prince v. Massachusetts*, 321 U.S. 158 (1944)).

<sup>64</sup> Section 847.001(20), F.S., defines “sexual excitement” as the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

<sup>65</sup> Section 847.0138(2), F.S.

<sup>66</sup> Section 847.0138(3), F.S.

<sup>67</sup> A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

The Supreme Court of Florida has upheld Florida's criminal laws relating to the transmission of harmful materials. In *Simmons*, the court noted that sexual expression which is indecent but not obscene is protected by the First Amendment, however the state may regulate the content of constitutionally protected speech in order to promote a compelling interest if it chooses the least restrictive means to further the articulated interest.

The court in *Simmons* found that the term harmful to minors is adequately defined by a reference to the three prong miller standard, as modified to apply to minors. The court also noted that the third prong in Miller is particularly important because it allows appellate courts to impose some limitations and regularity on the definition.<sup>68</sup>

### ***Sexual Activities Involving Animals***

"Sexual contact with an animal" means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:<sup>69</sup>

- Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;
- The fondling of the sex organ or anus of an animal; or
- The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.

A person commits a third degree felony if he or she knowingly:<sup>70,71</sup>

- Engages in any sexual contact with an animal;
- Causes, aids, or abets another person to engage in any sexual contact with an animal;
- Permits any sexual contact with an animal to be conducted on any premises under his or her charge or control;
- Organizes, promotes, conducts, aids, abets, participates in as an observer, or advertises, offers, or accepts an offer of an animal for the purpose of sexual contact with such animal, or performs any service in the furtherance of an act involving any sexual contact with an animal; or
- Films, distributes, or possesses any pornographic image or video of a person and an animal engaged in any of the prohibited activities.

### **Offense Severity Ranking Chart**

Felony offenses which are subject to the Criminal Punishment Code<sup>72</sup> 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.<sup>73,74</sup>

<sup>68</sup> *Simmons v. Florida*, 944 So. 2d 317 (2006).

<sup>69</sup> Section 828.126(1)(a)-(c), F.S.

<sup>70</sup> Section 828.126(2)(a)-(e), F.S.

<sup>71</sup> Section 828.126(3), F.S.

<sup>72</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.

<sup>73</sup> Section 921.0022, F.S.

<sup>74</sup> Section 921.0022(2), F.S.

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.<sup>75</sup>

### III. Effect of Proposed Changes:

The bill amends s. 775.0847, F.S., to revise the circumstances that trigger reclassification and provide mandatory minimum sentences when offenses are reclassified. The following offenses are subject to reclassification:

- Sex performance by a child.<sup>76</sup>
- Computer pornography.<sup>77</sup>
- Transmission of pornography by electronic device or equipment.<sup>78</sup>
- Transmission of materials harmful to minors by electronic device or equipment.<sup>79</sup>

A violation of the above offenses must be reclassified to the next higher degree if the offender:

- Possesses **20, rather than 10, or more images** of any form of child pornography, regardless of content; or
- The content of at least one image contains one or more of the following:
  - A prepubescent child, rather than a child under the age of 5.
  - Sadoomasochistic abuse involving a child.
  - Sexual battery involving a child.
  - Sexual bestiality involving a child.

Reclassified offenses carry the following mandatory minimum terms of imprisonment:

- A third degree felony is reclassified to a second degree felony and requires a 5 year mandatory minimum term of imprisonment;
- A second degree felony is reclassified to a first degree felony and requires a 15 year mandatory minimum term of imprisonment; and
- A first degree felony is reclassified to a life felony and requires a 25 year mandatory minimum term of imprisonment.

The bill amends s. 794.0116, F.S., to increase mandatory minimum prison sentences for sexual offenses committed by persons previously convicted, or had an adjudication withheld, of a sexual offense. The bill increases the mandatory minimum term of imprisonment as follows:

- Lewd or Lascivious Molestation, is increased from a minimum mandatory term of imprisonment of 10 years to 15 years.<sup>80</sup>

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<sup>75</sup> 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.

<sup>76</sup> Section 827.071, F.S.

<sup>77</sup> Section 847.0135, F.S.

<sup>78</sup> Section 847.0137, F.S.

<sup>79</sup> Section 847.0138, F.S.

<sup>80</sup> Section 800.04(5), F.S.

- Sexual performance by a child (producing, directing or promoting), is increased from a mandatory minimum of imprisonment term of imprisonment of 20 years to 25 years.<sup>81</sup>
- Selling or buying minors, is increased from a mandatory minimum term of imprisonment of 20 years to 25 years.<sup>82</sup>

The bill amends s. 827.071, F.S., to revise the terms “child” or “minor” to mean a person whose identity is known and who is younger than 18 years of age, or whose identity is unknown and who appears to be under 18 years of age. Additionally, the bill:

- Increases the crime of using a child in a sexual performance from a second degree felony to a first degree felony and provides a mandatory minimum term of imprisonment of 15 years.
- Provides a mandatory minimum sentence of 5 years for the crime of promoting a sexual performance by a child.
- Increases the crime of knowingly soliciting, possessing, possessing, controlling, or intentionally viewing materials that depict child pornography from a third degree felony to a second degree felony.
- Creates the crime of aggravated use of a child in a sexual performance. Aggravated use of a child in a sexual performance or inducing a child younger than 12 years of age to engage in a sexual performance, is a life felony<sup>83</sup> with a mandatory minimum term of imprisonment of 25 years. A person commits this offense if he or she:
  - Knowing the character and content thereof, employs, authorizes, or induces a child younger than 12 years of age to engage in a sexual performance.

The bill amends s. 827.072, F.S., to increase the penalty for creating generated child pornography from a third degree felony to a second degree felony and provide a mandatory minimum term of imprisonment of 5 years.

The bill amends s. 828.126, F.S., to increase penalties for the following offenses relating to sexual activities involving animals. The third degree felony for a person who knowingly:

- Engages in sexual conduct with an animal is increased to second degree felony.
- Causes, aids or abets another person to engage in any sexual contact with an animal, is increased second degree felony.

In addition to the penalties prescribed by law, the court must issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal. The order must be effective for a minimum of 5 years after the date of the conviction. Current law provides that such an order is effective up to 5 years.

The bill amends s. 847.011, F.S., relating to the prohibition of certain acts in connection with obscene, lewd, etc., materials, to provide that this section does not apply to a person charged solely under a section relating to child pornography.

The bill amends s. 847.0137, F.S., to define the following terms:

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<sup>81</sup> Section 827.071(2), F.S.

<sup>82</sup> Section 847.0145, F.S.

<sup>83</sup> A life felony is punishable by a term of imprisonment for life and a fine up to \$15,000, as provided by ss. 775.082, 775.083, and 775.084, F.S.

- “Access credential” means any password, username, token, unique link, URL, hyperlink, or other data that allows or facilitates access to files or data stored in cloud storage.
- “Cloud storage” means any remote, networked, or third-party provided storage service that allows a user to store, host, or share digital files or data and to access those files or data through the Internet or other network, whether by direct file transfer, URL, hyperlink, sharable link, access token, credentials, or other means.
- “Link” means any URL, hyperlink, short link, shareable link, magnet link, or other string, token, or data that, when used, directs or grants access to content stored remotely, including cloud storage.

The bill creates a new second degree felony with a mandatory minimum sentence of five years for persons who knew or reasonably should have known that they were transmitting, distributing, posting, sharing, providing, publishing, or making accessible by any means, including by sending , posting, uploading, or otherwise providing a link, an access credential, or information that grants access to cloud storage that the person knows contains child pornography or generated child pornography, and who knowingly causes another person to view or obtain such images, or otherwise facilitates access to such material.

The bill provides an exception for a person reporting suspected child pornography. A person who in good faith, provides a link, access, credentials or other information to a law enforcement agency, prosecuting authority, or authorized forensic examiner for the purpose of reporting suspected child pornography, cooperating with an investigation, preserving evidence, or seeking lawful removal of content may not be subject to prosecution under this section for that disclosure.

The bill amends s. 921.0022, F.S., the OSRC to do the following:

- Add sexual activities involving animals<sup>84</sup> as a second degree felony, ranked as a Level 6.
- Add offenses where a person may not knowingly cause, permit or organize sexual conduct with an animal,<sup>85</sup> as a third degree felony, ranked as a Level 6.
- Add promoting a sexual performance by a child,<sup>86</sup> as a second degree felony, ranked as a Level 7.

The bill takes effect on October 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.

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<sup>84</sup> Section 828.126(2)-(3), F.S.

<sup>85</sup> Section 828.126(4)-(6), F.S.

<sup>86</sup> Section 827.071(3), F.S.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

The First Amendment of the U.S. Constitution states that, "Congress shall make no law ... abridging the freedom of speech..." This language prohibits the government from having the ability to constrain the speech of citizens. However, materials that constitute child pornography, obscenity, or material harmful to minors may be restricted. Child pornography, obscenity, and material harmful to minors have been defined in ch. 847, F.S., and are consistent with federal law and the United States Supreme Court holdings regarding such laws.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have a positive indeterminate fiscal impact on the Department of Corrections. The DOC may have an increase in beds due to the increased penalties and mandatory minimum sentences created in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 775.0847, 794.0116, 827.071, 827.072, 828.126, 847.011, 847.0137, 775.15, 794.0115, 921.0022 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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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Martin

33-01480-26

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1 A bill to be entitled  
 2 An act relating to criminal sexual conduct; amending  
 3 s. 775.0847, F.S.; revising the circumstances under  
 4 which the violation of specified provisions must be  
 5 reclassified to the next higher degree; providing for  
 6 reclassification of such violations and mandatory  
 7 minimum terms of imprisonment; amending s. 794.0116,  
 8 F.S.; increasing the mandatory minimum terms of  
 9 imprisonment for persons who commit a violation of  
 10 specified provisions and have a certain prior  
 11 conviction; amending s. 827.071, F.S.; revising the  
 12 definition of the term "child" or "minor"; increasing  
 13 criminal penalties and providing a mandatory minimum  
 14 term of imprisonment for persons who commit the  
 15 offense of use of a child in a sexual performance;  
 16 providing criminal penalties and a mandatory minimum  
 17 term of imprisonment for persons who commit the  
 18 offense of aggravated use of a child in a sexual  
 19 performance; providing a mandatory minimum term of  
 20 imprisonment for persons who commit the offense of  
 21 promoting a sexual performance by a child; increasing  
 22 criminal penalties for persons who knowingly solicit,  
 23 possess, control, or intentionally view any  
 24 photographic material, motion picture, or other  
 25 specified representations that include child  
 26 pornography; amending s. 827.072, F.S.; increasing  
 27 criminal penalties and providing a mandatory minimum  
 28 term of imprisonment for persons who intentionally  
 29 create generated child pornography; amending s.

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

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30 828.126, F.S.; increasing criminal penalties for  
 31 specified offenses relating to sexual activities  
 32 involving animals; making technical changes; requiring  
 33 a court to issue a specified order that must be  
 34 effective for a minimum of 5 years, rather than  
 35 authorizing the court to issue such order to be  
 36 effective for up to 5 years, after the date of a  
 37 specified conviction; amending s. 847.011, F.S.;  
 38 providing applicability; amending s. 847.0137, F.S.;  
 39 defining terms; providing criminal penalties and a  
 40 mandatory minimum term of imprisonment for persons who  
 41 knew or reasonably should have known that they were  
 42 transmitting or taking other actions to make  
 43 accessible child pornography or generated child  
 44 pornography; increasing criminal penalties and  
 45 providing a mandatory minimum term of imprisonment for  
 46 persons who knew or reasonably should have known that  
 47 they were transmitting child pornography or generated  
 48 child pornography; specifying circumstances under  
 49 which persons may not be subject to prosecution;  
 50 amending ss. 775.15, 794.0115, and 921.0022, F.S.;  
 51 conforming cross-references; conforming provisions to  
 52 changes made by the act; providing an effective date.  
 53  
 54 Be It Enacted by the Legislature of the State of Florida:  
 55  
 56 Section 1. Subsections (2) and (3) of section 775.0847,  
 57 Florida Statutes, are amended to read:  
 58 775.0847 Possession or promotion of certain images of child

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pornography; reclassification.—

(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138 ~~must shall~~ be reclassified to the next higher degree as provided in subsection (3) if:

(a) The offender possesses 20 ~~10~~ or more images of any form of child pornography regardless of content; ~~or and~~

(b) The content of at least one image contains one or more of the following:

1. A prepubescent child ~~who is younger than the age of 5~~.
2. Sadomasochistic abuse involving a child.
3. Sexual battery involving a child.
4. Sexual bestiality involving a child.

~~5. Any motion picture, film, video, or computer-generated motion picture, film, or video involving a child, regardless of length and regardless of whether the motion picture, film, video, or computer-generated motion picture, film, or video contains sound.~~

(3)(a) In the case of a felony of the third degree, the offense is reclassified to a felony of the second degree, and the offender must be sentenced to a mandatory minimum term of imprisonment of 5 years.

(b) In the case of a felony of the second degree, the offense is reclassified to a felony of the first degree, and the offender must be sentenced to a mandatory minimum term of imprisonment of 15 years.

(c) In the case of a felony of the first degree, the offense is reclassified to a life felony, and the offender must be sentenced to a mandatory minimum term of imprisonment of 25 years.

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For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 2. Subsection (1) of section 794.0116, Florida Statutes, is amended to read:

794.0116 Sexual offenses by persons previously convicted of sexual offenses.—

(1) A person who was previously convicted of or had adjudication withheld for an offense specified in s. 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s. 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s. 847.0137; or s. 847.0145 must shall be sentenced to a mandatory minimum term of imprisonment as follows:

	Statute	Mandatory Minimum
(a)	800.04(5)	<u>15</u> <del>10</del> years
(b)	825.1025(3)	10 years
(c)	827.071(2)	<u>25</u> <del>20</del> years
(d)	827.071(3)	20 years
(e)	827.071(4)	15 years

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(f) 827.071(5)(a) 10 years

(g) 847.0135 10 years

(h) 847.0137 10 years

(i) 847.0145 25 ~~20~~ years

Section 3. Paragraph (a) of subsection (1), subsections (2) and (3), and paragraph (a) of subsection (5) of section 827.071, Florida Statutes, are amended, and paragraphs (b) through (n) of subsection (1) of that section are republished, to read:

827.071 Sexual performance by a child; child pornography; penalties.—

(1) As used in this section, the following definitions shall apply:

(a) "Child" or "minor" means a ~~any~~ person, whose identity is known and who is ~~or unknown~~, younger than 18 years of age, or whose identity is unknown and who appears to be under 18 years of age.

(b) "Child pornography" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(c) "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the

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mouth and the vulva.

(d) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(e) "Identifiable minor" means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

The term may not be construed to require proof of the actual identity of the identifiable minor.

(f) "Intentionally view" means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

(g) "Performance" means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(h) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(i) "Sadomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound,

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or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(j) "Sexual battery" means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, "sexual battery" does not include an act done for a bona fide medical purpose.

(k) "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or female genitals of the other.

(l)1. "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

2. As used in subparagraph 1., "actual or simulated lewd exhibition of the genitals" may be evidenced by the overall content of an image, taking into account the age of the minor depicted and, including, but not limited to, whether:

a. The focal point of the image is on the minor's genitals;

b. The setting of the image is sexually suggestive or in a place or pose generally associated with sexual conduct;

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c. The minor is depicted in an unnatural pose, or in inappropriate attire, considering the age of the minor;

d. The image suggests sexual coyness or a willingness to engage in sexual conduct; or

e. The image is intended or designed to elicit a sexual response in the viewer.

(m) "Sexual performance" means any performance or part thereof which includes sexual conduct by a child.

(n) "Simulated" means the explicit depiction of conduct set forth in paragraph (l) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2)(a) A person ~~commits is guilty of the~~ use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. A person who violates this ~~paragraph subsection~~ commits a felony of the ~~first second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 15 years.

(b) A person commits aggravated use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child younger than 12 years of age to engage in a sexual performance. A person who violates this paragraph commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 25

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years.

(3) A person ~~commits is guilty of~~ promoting a sexual performance by a child ~~if when~~, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 5 years.

(5)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child pornography depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Paragraph (b) of subsection (2) of section 827.072, Florida Statutes, is amended, and paragraph (a) of

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subsection (1) of that section is republished, to read:

827.072 Generated child pornography.—

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

(a) "Generated child pornography" means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.

(2)

(b) A person who intentionally creates generated child pornography commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be sentenced to a mandatory minimum term of imprisonment of 5 years.

Section 5. Section 828.126, Florida Statutes, is amended to read:

828.126 Sexual activities involving animals.—

(1) As used in this section, the term "sexual contact with an animal" means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:

(a) Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;

(b) The fondling of the sex organ or anus of an animal; or

(c) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.

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281 (2) A person may not+  
 282 ~~(a)~~ knowingly engage in any sexual contact with an animal.  
 283 A person who violates this subsection commits a felony of the  
 284 second degree, punishable as provided in s. 775.082, s. 775.083,  
 285 or s. 775.084.†  
 286 ~~(3)(b)~~ A person may not knowingly cause, aid, or abet  
 287 another person to engage in any sexual contact with an animal. A  
 288 person who violates this subsection commits a felony of the  
 289 second degree, punishable as provided in s. 775.082, s. 775.083,  
 290 or s. 775.084.†  
 291 ~~(4)(e)~~ A person may not knowingly permit any sexual contact  
 292 with an animal to be conducted on any premises under his or her  
 293 charge or control. A person who violates this subsection commits  
 294 a felony of the third degree, punishable as provided in s.  
 295 775.082, s. 775.083, or s. 775.084.†  
 296 ~~(5)(d)~~ A person may not knowingly organize, promote,  
 297 conduct, aid, abet, participate in as an observer, or advertise,  
 298 offer, solicit, or accept an offer of an animal for the purpose  
 299 of sexual contact with such animal, or perform any service in  
 300 the furtherance of an act involving any sexual contact with an  
 301 animal. A person who violates this subsection commits a felony  
 302 of the third degree, punishable as provided in s. 775.082, s.  
 303 775.083, or s. 775.084.† ~~or~~  
 304 ~~(6)(e)~~ A person may not knowingly film, distribute, or  
 305 possess any pornographic image or video of a person and an  
 306 animal engaged in any of the activities prohibited by this  
 307 section. A person who violates this subsection commits a felony  
 308 of the third degree, punishable as provided in s. 775.082, s.  
 309 775.083, or s. 775.084

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310 ~~(3) A person who violates this section commits a felony of~~  
 311 ~~the third degree, punishable as provided in s. 775.082, s.~~  
 312 ~~775.083, or s. 775.084.~~  
 313 ~~(7)(4)~~ In addition to other penalties prescribed by law,  
 314 the court shall issue an order prohibiting a person convicted  
 315 under this section from harboring, owning, possessing, or  
 316 exercising control over any animal; from residing in any  
 317 household in which animals are present; and from engaging in an  
 318 occupation, whether paid or unpaid, or participating in a  
 319 volunteer position at any establishment at which animals are  
 320 present. The order must ~~may~~ be effective for a minimum of ~~up to~~  
 321 5 years after the date of the conviction, regardless of whether  
 322 adjudication is withheld.  
 323 ~~(8)(5)~~ This section does not apply to accepted animal  
 324 husbandry practices, including, but not limited to, bona fide  
 325 agricultural purposes, assistance with the birthing process or  
 326 artificial insemination of an animal for reproductive purposes,  
 327 accepted conformation judging practices, or accepted veterinary  
 328 medical practices.  
 329 Section 6. Subsection (12) is added to section 847.011,  
 330 Florida Statutes, to read:  
 331 847.011 Prohibition of certain acts in connection with  
 332 obscene, lewd, etc., materials; penalty.—  
 333 (12) This section does not apply to a person charged solely  
 334 under a section relating to child pornography, including, but  
 335 not limited to, s. 827.071, s. 827.072, s. 847.0135, s.  
 336 847.0137, or s. 847.0138.  
 337 Section 7. Section 847.0137, Florida Statutes, is amended  
 338 to read:

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339 847.0137 Transmission of child pornography or generated  
 340 child pornography by electronic device or equipment prohibited;  
 341 penalties.—

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

343 (a) "Access credential" means any password, username,  
 344 token, unique link, URL, hyperlink, or other data that allows or  
 345 facilitates access to files or data stored in cloud storage.

346 (b) "Cloud storage" means any remote, networked, or third-  
 347 party-provided storage service that allows a user to store,  
 348 host, or share digital files or data and to access those files  
 349 or data through the Internet or other network, whether by direct  
 350 file transfer, URL, hyperlink, shareable link, access token,  
 351 credentials, or other means.

352 (c) "Link" means any URL, hyperlink, short link, shareable  
 353 link, magnet link, or other string, token, or data that, when  
 354 used, directs or grants access to content stored remotely,  
 355 including cloud storage.

356 (d) "Transmit" means the act of sending and causing to be  
 357 delivered, including the act of providing access for receiving  
 358 and causing to be delivered, any image, information, or data  
 359 over or through any medium, including the Internet or an  
 360 interconnected network, by use of any electronic equipment or  
 361 other device.

362 (2) A person who knew or reasonably should have known that  
 363 he or she was transmitting, distributing, posting, sharing,  
 364 providing, publishing, or making accessible by any means,  
 365 including by sending, posting, uploading, or otherwise providing  
 366 a link, an access credential, or information that grants access  
 367 to cloud storage that the person knows contains child

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368 pornography or generated child pornography, and who knowingly  
 369 causes another person to view or obtain such images, or  
 370 otherwise facilitates access to such material, commits a felony  
 371 of the second degree, punishable as provided in ss. 775.082,  
 372 775.083, or 775.084, and must be sentenced to a mandatory  
 373 minimum term of imprisonment of 5 years.

374 (3) Notwithstanding ss. 847.012 and 847.0133, a any person  
 375 in this state who knew or reasonably should have known that he  
 376 or she was transmitting child pornography, as defined in s.  
 377 847.001 or generated child pornography as defined in s. 827.072,  
 378 to another person in this state or in another jurisdiction  
 379 commits a felony of the second ~~third~~ degree, punishable as  
 380 provided in s. 775.082, s. 775.083, or s. 775.084, and must be  
 381 sentenced to a mandatory minimum term of imprisonment of 5  
 382 years.

383 (4)(3) Notwithstanding ss. 847.012 and 847.0133, a any  
 384 person in any jurisdiction other than this state who knew or  
 385 reasonably should have known that he or she was transmitting  
 386 child pornography, as defined in s. 847.001 or generated child  
 387 pornography as defined in s. 827.072, to any person in this  
 388 state commits a felony of the second ~~third~~ degree, punishable as  
 389 provided in s. 775.082, s. 775.083, or s. 775.084, and must be  
 390 sentenced to a mandatory minimum term of imprisonment of 5  
 391 years.

392 (5) A person who, in good faith, provides a link, access  
 393 credential, or other information to a law enforcement agency,  
 394 prosecuting authority, or authorized forensic examiner for the  
 395 purpose of reporting suspected child pornography, cooperating  
 396 with an investigation, preserving evidence, or seeking lawful

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397 removal of content may not be subject to prosecution under this  
 398 section for that disclosure.

399 (6)(4) This section ~~may shall~~ not be construed to preclude  
 400 prosecution of a person in this state or another jurisdiction  
 401 for a violation of any law of this state, including a law  
 402 providing for greater penalties than prescribed in this section,  
 403 for the transmission of child pornography, as defined in s.  
 404 847.001, to any person in this state.

405 (7)(5) A person is subject to prosecution in this state  
 406 pursuant to chapter 910 for any act or conduct proscribed by  
 407 this section, including a person in a jurisdiction other than  
 408 this state, if the act or conduct violates subsection (4) ~~(3)~~.  
 409

410 The provisions of this section do not apply to subscription-  
 411 based transmissions such as list servers.

412 Section 8. Subsection (21) of section 775.15, Florida  
 413 Statutes, is amended to read:

414 775.15 Time limitations; general time limitations;  
 415 exceptions.—

416 (21) In addition to the time periods prescribed in this  
 417 section, a prosecution for any offense under s. 827.071(2)(a) or  
 418 (3) ~~s. 827.071(2) or (3)~~, if the offender was 18 years of age or  
 419 older at the time of the offense, may be commenced at any time.  
 420 This subsection applies to any offense that is not otherwise  
 421 barred from prosecution on or before July 1, 2022.

422 Section 9. Subsection (2) of section 794.0115, Florida  
 423 Statutes, is amended to read:

424 794.0115 Dangerous sexual felony offender; mandatory  
 425 sentencing.—

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426 (2) A ~~Any person who is~~ convicted of a violation of s.  
 427 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
 428 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2)(a) or  
 429 827.071(2), (3), or (4); or s. 847.0145; or of any similar  
 430 offense under a former designation, which offense the person  
 431 committed when he or she was 18 years of age or older, and the  
 432 person:

433 (a) Caused serious personal injury to the victim as a  
 434 result of the commission of the offense;

435 (b) Used or threatened to use a deadly weapon during the  
 436 commission of the offense;

437 (c) Victimized more than one person during the course of  
 438 the criminal episode applicable to the offense;

439 (d) Committed the offense while under the jurisdiction of a  
 440 court for a felony offense under the laws of this state, for an  
 441 offense that is a felony in another jurisdiction, or for an  
 442 offense that would be a felony if that offense were committed in  
 443 this state; or

444 (e) Has previously been convicted of a violation of s.  
 445 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
 446 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2)(a) or  
 447 827.071(2), (3), or (4); s. 847.0145; of any offense under a  
 448 former statutory designation which is similar in elements to an  
 449 offense described in this paragraph; or of any offense that is a  
 450 felony in another jurisdiction, or would be a felony if that  
 451 offense were committed in this state, and which is similar in  
 452 elements to an offense described in this paragraph,

453  
 454 is a dangerous sexual felony offender, who must be sentenced to

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455 a mandatory minimum term of 25 years imprisonment up to, and  
 456 including, life imprisonment. If the offense described in this  
 457 subsection was committed on or after October 1, 2014, a person  
 458 who qualifies as a dangerous sexual felony offender pursuant to  
 459 this subsection must be sentenced to a mandatory minimum term of  
 460 50 years imprisonment up to, and including, life imprisonment.  
 461 Section 10. Paragraphs (e), (f), and (g) of subsection (3)  
 462 of section 921.0022, Florida Statutes, are amended to read:  
 463 921.0022 Criminal Punishment Code; offense severity ranking  
 464 chart.—  
 465 (3) OFFENSE SEVERITY RANKING CHART  
 466 (e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and

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lights activated.

470 316.80(2) 2nd Unlawful conveyance of  
fuel; obtaining fuel  
fraudulently.

471 322.34(6) 3rd Careless operation of  
motor vehicle with  
suspended license,  
resulting in death or  
serious bodily injury.

472 327.30(5)(a)2. 3rd Vessel accidents  
involving personal  
injuries other than  
serious bodily injury;  
leaving scene.

473 365.172 2nd Misuse of emergency  
(14)(b)2. communications system  
resulting in death.

474 379.365(2)(c)1. 3rd Violation of rules  
relating to: willful  
molestation of stone  
crab traps, lines, or  
buoys; illegal  
bartering, trading, or  
sale, conspiring or

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aiding in such barter,  
trade, or sale, or  
supplying, agreeing to  
supply, aiding in  
supplying, or giving  
away stone crab trap  
tags or certificates;  
making, altering,  
forging, counterfeiting,  
or reproducing stone  
crab trap tags;  
possession of forged,  
counterfeit, or  
imitation stone crab  
trap tags; and engaging  
in the commercial  
harvest of stone crabs  
while license is  
suspended or revoked.

475

379.367(4)

3rd

Willful molestation of a  
commercial harvester's  
spiny lobster trap,  
line, or buoy.

476

379.407(5) (b) 3.

3rd

Possession of 100 or  
more undersized spiny  
lobsters.

477

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381.0041(11) (b)

3rd

Donate blood, plasma, or  
organs knowing HIV  
positive.

478

440.10(1) (g)

2nd

Failure to obtain  
workers' compensation  
coverage.

479

440.105(5)

2nd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

480

440.381(2)

3rd

Submission of false,  
misleading, or  
incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

481

624.401(4) (b) 2.

2nd

Transacting insurance  
without a certificate or  
authority; premium  
collected \$20,000 or  
more but less than  
\$100,000.

482

626.902(1) (c)

2nd

Representing an

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			unauthorized insurer; repeat offender.	
483	790.01(3)	3rd	Unlawful carrying of a concealed firearm.	
484	790.162	2nd	Threat to throw or discharge destructive device.	
485	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.	
486	790.221(1)	2nd	Possession of short- barreled shotgun or machine gun.	
487	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.	
488	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.	
489	800.04(6)(c)	3rd	Lewd or lascivious	

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			conduct; offender less than 18 years of age.	
490	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.	
491	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	
492	810.145(4)	3rd	Commercial digital voyeurism dissemination.	
493	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.	
494	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.	
495	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.	
496	812.0145(2)(b)	2nd	Theft from person 65 years of age or older;	

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				\$10,000 or more but less than \$50,000.
497	812.015 (8) (a) & (c)-(e)	3rd		Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
498	812.015(8) (f)	3rd		Retail theft; multiple thefts within specified period.
499	812.015(8) (g)	3rd		Retail theft; committed with specified number of other persons.
500	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
501	812.081(3)	2nd		Trafficking in trade secrets.
502	812.131(2) (b)	3rd		Robbery by sudden snatching.
503	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
504	817.034(4) (a) 2.	2nd		Communications fraud,

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				value \$20,000 to \$50,000.
505	817.234(11) (b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
506	817.2341(1), (2) (a) & (3) (a)	3rd		Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
507	817.568(2) (b)	2nd		Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
508				

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509	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.	
510	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	
511	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	
512	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.	
513				

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	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	
514	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.	
515	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	
516	847.0137 <u>(3) &amp; (4)</u> <del>(2) &amp; (3)</del>	<u>2nd</u> <del>3rd</del>	Transmission of <u>child pornography or generated child pornography by electronic device or equipment.</u>	
517	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	
518	874.05(1)(b)	2nd	Encouraging or recruiting another to	

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			join a criminal gang; second or subsequent offense.	
519	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.	
520	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).	
521	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned	

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			recreational facility or community center.	
522	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.	
523	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.	
524	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or	

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(2) (a), (2) (b), or  
(2) (c) 5. drugs) within  
1,000 feet of public  
housing facility.

893.13 (4) (b)

2nd

Use or hire of minor;  
deliver to minor other  
controlled substance.

893.1351 (1)

3rd

Ownership, lease, or  
rental for trafficking  
in or manufacturing of  
controlled substance.

(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  
eluding.

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327.30 (5) (a) 3.

2nd

Vessel accidents  
involving serious bodily  
injury; leaving scene.

400.9935 (4) (c)

2nd

Operating a clinic, or  
offering services  
requiring licensure,  
without a license.

499.0051 (2)

2nd

Knowing forgery of  
transaction history,  
transaction information,  
or transaction  
statement.

499.0051 (3)

2nd

Knowing purchase or  
receipt of prescription  
drug from unauthorized  
person.

499.0051 (4)

2nd

Knowing sale or transfer  
of prescription drug to  
unauthorized person.

775.0875 (1)

3rd

Taking firearm from law  
enforcement officer.

784.021 (1) (a)

3rd

Aggravated assault;  
deadly weapon without

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	33-01480-26		20261750__	
			intent to kill.	
540	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.	
541	784.041	3rd	Felony battery; domestic battery by strangulation.	
542	784.048 (3)	3rd	Aggravated stalking; credible threat.	
543	784.048 (5)	3rd	Aggravated stalking of person under 16.	
544	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.	
545	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.	
546	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.	
547	784.081 (2)	2nd	Aggravated assault on specified official or	

	33-01480-26		20261750__	
			employee.	
548	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.	
549	784.083 (2)	2nd	Aggravated assault on code inspector.	
550	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	
551	787.025 (2) (a)	3rd	Luring or enticing a child.	
552	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.	
553	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	
554	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.

555

790.19

2nd

Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.

556

794.011(8) (a)

3rd

Solicitation of minor to  
participate in sexual  
activity by custodial  
adult.

557

794.05(1)

2nd

Unlawful sexual activity  
with specified minor.

558

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.

559

800.04(6) (b)

2nd

Lewd or lascivious  
conduct; offender 18  
years of age or older.

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560

806.031(2)

2nd

Arson resulting in great  
bodily harm to  
firefighter or any other  
person.

561

810.02(3) (c)

2nd

Burglary of occupied  
structure; unarmed; no  
assault or battery.

562

810.145(8) (b)

2nd

Digital voyeurism;  
certain minor victims;  
2nd or subsequent  
offense.

563

812.014(2) (b)1.

2nd

Property stolen \$20,000  
or more, but less than  
\$100,000, grand theft in  
2nd degree.

564

812.014(2) (c)5.

3rd

Grand theft; third  
degree; firearm.

565

812.014(6)

2nd

Theft; property stolen  
\$3,000 or more;  
coordination of others.

566

812.015(9) (a)

2nd

Retail theft; property  
stolen \$750 or more;

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	33-01480-26		20261750	
			second or subsequent conviction.	
567	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.	
568	812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.	
569	812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.	
570	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	
571	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	
572	817.49(2)(b)2.	2nd	Willful making of a false report of a crime	

	33-01480-26		20261750	
			resulting in death.	
573	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.	
574	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.	
575	825.102(1)	3rd	Abuse of an elderly person or disabled adult.	
576	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	
577	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	
578	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.	
579				

	33-01480-26		20261750
580	827.03(2)(c)	3rd	Abuse of a child.
581	827.03(2)(d)	3rd	Neglect of a child.
	<u>827.071(5)(a)</u> <del>827.071(5)</del>	<u>2nd</u> <del>3rd</del>	<u>Knowingly solicit,</u> possess, control, or intentionally view any photographic material, motion picture, etc., <u>that</u> <del>which</del> includes child pornography.
582	<u>828.126(2) or (3)</u>	<u>2nd</u>	<u>Sexual activities</u> <u>involving animals.</u>
583	<u>828.126(4), (5), or (6)</u> <del>828.126(3)</del>	3rd	Sexual activities involving animals.
584	836.05	2nd	Threats; extortion.
585	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
586	843.12	3rd	Aids or assists person to escape.
587			

	33-01480-26		20261750
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
588	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
589	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
590	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
591	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
592	918.13(2)(b)	2nd	Tampering with or

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fabricating physical  
evidence relating to a  
capital felony.

593

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.

594

944.40

2nd

Escapes.

595

944.46

3rd

Harboring, concealing,  
aiding escaped  
prisoners.

596

944.47(1)(a)5.

2nd

Introduction of  
contraband (firearm,  
weapon, or explosive)  
into correctional  
facility.

597

951.22(1)(i)

3rd

Firearm or weapon  
introduced into county  
detention facility.

598

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599 (g) LEVEL 7

600

Florida  
Statute

Felony  
Degree

Description

601

316.027(2)(c)

1st

Accident involving death,  
failure to stop; leaving  
scene.

602

316.193(3)(c)2.

3rd

DUI resulting in serious  
bodily injury.

603

316.1935(3)(b)

1st

Causing serious bodily  
injury or death to  
another person; driving  
at high speed or with  
wanton disregard for  
safety while fleeing or  
attempting to elude law  
enforcement officer who  
is in a patrol vehicle  
with siren and lights  
activated.

604

327.35(3)(a)3.b.

3rd

Vessel BUI resulting in  
serious bodily injury.

605

402.319(2)

2nd

Misrepresentation and  
negligence or intentional

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	33-01480-26		20261750	
				act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
606	409.920	3rd		Medicaid provider fraud; \$10,000 or less.
607	(2) (b) 1.a.			
	409.920	2nd		Medicaid provider fraud; more than \$10,000, but less than \$50,000.
608	(2) (b) 1.b.			
	456.065(2)	3rd		Practicing a health care profession without a license.
609	456.065(2)	2nd		Practicing a health care profession without a license which results in serious bodily injury.
610	458.327(1)	3rd		Practicing medicine without a license.
611	459.013(1)	3rd		Practicing osteopathic medicine without a license.
612	460.411(1)	3rd		Practicing chiropractic

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	33-01480-26		20261750	
				medicine without a license.
613	461.012(1)	3rd		Practicing podiatric medicine without a license.
614	462.17	3rd		Practicing naturopathy without a license.
615	463.015(1)	3rd		Practicing optometry without a license.
616	464.016(1)	3rd		Practicing nursing without a license.
617	465.015(2)	3rd		Practicing pharmacy without a license.
618	466.026(1)	3rd		Practicing dentistry or dental hygiene without a license.
619	467.201	3rd		Practicing midwifery without a license.
620	468.366	3rd		Delivering respiratory care services without a license.

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621 483.828(1) 3rd Practicing as clinical  
laboratory personnel  
without a license.

622 483.901(7) 3rd Practicing medical  
physics without a  
license.

623 484.013(1)(c) 3rd Preparing or dispensing  
optical devices without a  
prescription.

624 484.053 3rd Dispensing hearing aids  
without a license.

625 494.0018(2) 1st Conviction of any  
violation of chapter 494  
in which the total money  
and property unlawfully  
obtained exceeded \$50,000  
and there were five or  
more victims.

626 560.123(8)(b)1. 3rd Failure to report  
currency or payment  
instruments exceeding  
\$300 but less than  
\$20,000 by a money

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627 services business.

560.125(5)(a) 3rd Money services business  
by unauthorized person,  
currency or payment  
instruments exceeding  
\$300 but less than  
\$20,000.

628 655.50(10)(b)1. 3rd Failure to report  
financial transactions  
exceeding \$300 but less  
than \$20,000 by financial  
institution.

629 775.21(10)(a) 3rd Sexual predator; failure  
to register; failure to  
renew driver license or  
identification card;  
other registration  
violations.

630 775.21(10)(b) 3rd Sexual predator working  
where children regularly  
congregate.

631 775.21(10)(g) 3rd Failure to report or  
providing false  
information about a

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sexual predator; harbor  
or conceal a sexual  
predator.

632

782.051(3)

2nd

Attempted felony murder  
of a person by a person  
other than the  
perpetrator or the  
perpetrator of an  
attempted felony.

633

782.07(1)

2nd

Killing of a human being  
by the act, procurement,  
or culpable negligence of  
another (manslaughter).

634

782.071

2nd

Killing of a human being  
or unborn child by the  
operation of a motor  
vehicle in a reckless  
manner (vehicular  
homicide).

635

782.072

2nd

Killing of a human being  
by the operation of a  
vessel in a reckless  
manner (vessel homicide).

636

784.045(1)(a)1.

2nd

Aggravated battery;

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intentionally causing  
great bodily harm or  
disfigurement.

637

784.045(1)(a)2.

2nd

Aggravated battery; using  
deadly weapon.

638

784.045(1)(b)

2nd

Aggravated battery;  
perpetrator aware victim  
pregnant.

639

784.048(4)

3rd

Aggravated stalking;  
violation of injunction  
or court order.

640

784.048(7)

3rd

Aggravated stalking;  
violation of court order.

641

784.07(2)(d)

1st

Aggravated battery on law  
enforcement officer.

642

784.074(1)(a)

1st

Aggravated battery on  
sexually violent  
predators facility staff.

643

784.08(2)(a)

1st

Aggravated battery on a  
person 65 years of age or  
older.

644

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	784.081(1)	1st	Aggravated battery on specified official or employee.	
645				
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	
646				
	784.083(1)	1st	Aggravated battery on code inspector.	
647				
	787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.	
648				
	787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.	
649				
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.	
650				
	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to	

	33-01480-26		20261750	
			within the state.	
651				
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
652				
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.	
653				
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
654				
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
655				
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
656				
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass	

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				destruction while committing or attempting to commit a felony.
657	790.23	1st,PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
658	794.08(4)	3rd		Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
659	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
660	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
661	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger

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	33-01480-26		20261750	
				than 18 years of age.
662	800.04(5)(c)2.	2nd		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
663	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
664	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
665	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
666	810.02(3)(b)	2nd		Burglary of unoccupied dwelling; unarmed; no assault or battery.

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667			
	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
668			
	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
669			
	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
670			
	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
671			
	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
672			
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment

	33-01480-26		20261750__
			from authorized emergency vehicle.
673			
	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
674			
	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
675			
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
676			
	812.131(2)(a)	2nd	Robbery by sudden snatching.
677			
	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
678			
	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
679			

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	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	
680				
	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	
681				
	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.	
682				
	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.	
683				
	817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.	
684				
	817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to	

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	33-01480-26		20261750	
			defraud.	
685				
	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.	
686				
	817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.	
687				
	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	
688				
	825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.	
689				
	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	
690				
	827.04(3)	3rd	Impregnation of a child	

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			under 16 years of age by person 21 years of age or older.
691	<u>827.071(2)(a)</u>	<u>1st</u> <del>2nd</del>	Use of <del>or induce</del> a child in a sexual performance, <del>or promote or direct such performance.</del>
	<del>827.071(2) &amp; (3)</del>		
692	<u>827.071(3)</u>	<u>2nd</u>	<u>Promoting a sexual performance by a child.</u>
693	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
694	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
695	838.015	2nd	Bribery.
696	838.016	2nd	Unlawful compensation or reward for official behavior.
697			

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	838.021(3)(a)	2nd	Unlawful harm to a public servant.
698	838.22	2nd	Bid tampering.
699	843.0855(2)	3rd	Impersonation of a public officer or employee.
700	843.0855(3)	3rd	Unlawful simulation of legal process.
701	843.0855(4)	3rd	Intimidation of a public officer or employee.
702	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
703	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
704	872.06	2nd	Abuse of a dead human body.
705	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or

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				subsequent offense.
706	874.10	1st, PBL		Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
707	893.13(1)(c)1.	1st		Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
708	893.13(1)(e)1.	1st		Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000

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				feet of property used for religious services or a specified business site.
709	893.13(4)(a)	1st		Use or hire of minor; deliver to minor other controlled substance.
710	893.135(1)(a)1.	1st		Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
711	893.135 (1)(b)1.a.	1st		Trafficking in cocaine, more than 28 grams, less than 200 grams.
712	893.135 (1)(c)1.a.	1st		Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
713	893.135 (1)(c)2.a.	1st		Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
714	893.135 (1)(c)2.b.	1st		Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
715				

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	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less
716			than 14 grams.
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less
717			than 25 grams.
	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (I)		4 grams or more, less
718			than 14 grams.
	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams
			or more, less than 200
			grams.
719	893.135 (1) (e) 1.	1st	Trafficking in
			methaqualone, 200 grams
			or more, less than 5
			kilograms.
720	893.135 (1) (f) 1.	1st	Trafficking in
			amphetamine, 14 grams or
			more, less than 28 grams.
721	893.135	1st	Trafficking in
	(1) (g) 1.a.		flunitrazepam, 4 grams or
			more, less than 14 grams.

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722	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid
			(GHB), 1 kilogram or
			more, less than 5
723			kilograms.
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or
			more, less than 5
			kilograms.
724	893.135	1st	Trafficking in
	(1) (k) 2.a.		Phenethylamines, 10 grams
			or more, less than 200
			grams.
725	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams
			or more, less than 500
			grams.
726	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams
			or more, less than 1,000
			grams.
727	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams

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				or more, less than 100 grams.
728	893.1351(2)	2nd		Possession of place for trafficking in or manufacturing of controlled substance.
729	896.101(5)(a)	3rd		Money laundering, financial transactions exceeding \$300 but less than \$20,000.
730	896.104(4)(a)1.	3rd		Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
731	943.0435(4)(c)	2nd		Sexual offender vacating permanent residence; failure to comply with reporting requirements.
732	943.0435(8)	2nd		Sexual offender; remains in state after indicating intent to leave; failure

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

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				to comply with reporting requirements.
733	943.0435(9)(a)	3rd		Sexual offender; failure to comply with reporting requirements.
734	943.0435(13)	3rd		Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
735	943.0435(14)	3rd		Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
736	944.607(9)	3rd		Sexual offender; failure to comply with reporting requirements.
737	944.607(10)(a)	3rd		Sexual offender; failure to submit to the taking of a digitized photograph.

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

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944.607(12) 3rd Failure to report or  
providing false  
information about a  
sexual offender; harbor  
or conceal a sexual  
offender.

739 944.607(13) 3rd Sexual offender; failure  
to report and reregister;  
failure to respond to  
address verification;  
providing false  
registration information.

740 985.4815(10) 3rd Sexual offender; failure  
to submit to the taking  
of a digitized  
photograph.

741 985.4815(12) 3rd Failure to report or  
providing false  
information about a  
sexual offender; harbor  
or conceal a sexual  
offender.

742 985.4815(13) 3rd Sexual offender; failure  
to report and reregister;

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failure to respond to  
address verification;  
providing false  
registration information.

743

744 Section 11. This act shall take effect October 1, 2026.

January 26, 2026

Meeting Date

Criminal Justice

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

1750

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carte Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

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

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

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

S-001 (08/10/2021)

1/26/26

Meeting Date

Appropriations Committee on Transportation, Tourism, and Economic Development

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB 1750

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair Phone \_\_\_\_\_

Address 2617 Mahan Dr. Email amcnair@flsheriffs.org  
Street

Tallahassee FL 32308  
City State Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Sheriffs Association

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

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

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

S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** SB 37

**Case No.:**

**Type:**

**Caption:** Criminal Justice Senate Committee

**Judge:**

**Started:** 1/26/2026 3:31:55 PM

**Ends:** 1/26/2026 5:12:04 PM

**Length:** 01:40:09

3:31:56 PM	Order
3:32:00 PM	Roll call
3:32:15 PM	Chair Martin gives introductory statements
3:32:30 PM	Tab 4: SB 646
3:32:35 PM	Chair Martin recognizes Sen Gaetz to explain the bill
3:32:41 PM	Sen Gaetz
3:33:40 PM	Appearance Cards:
3:33:48 PM	Brad Bishop
3:37:03 PM	Chair Martin acknowledges waives speaking
3:37:11 PM	Debate:
3:37:13 PM	Sen Pizzo
3:37:26 PM	Roll call
3:37:39 PM	Chair Martin reports on SB 646
3:37:46 PM	Tab 3: SB 442
3:37:49 PM	Chair Martin recognizes Sen Yarborough to explain the bill
3:37:52 PM	Sen Yarborough
3:40:01 PM	Appearance Cards:
3:40:10 PM	State Atty. Jack Campbell
3:41:43 PM	Ryan Ellis
3:44:26 PM	Chair Martin acknowledges waives speaking
3:45:00 PM	Chair Martin recognizes Sen Yarborough to close on the bill
3:45:02 PM	Sen Yarborough
3:45:11 PM	Roll call
3:45:25 PM	Chair Martin reports on SB 442
3:45:32 PM	Tab 2: SB 418
3:45:39 PM	Chair Martin recognizes Sen Jones to explain the bill
3:45:40 PM	Sen Jones
3:47:55 PM	Appearance Cards:
3:47:59 PM	Hector Gonzalez, Village of Bal Harbour
3:49:58 PM	Chair Martin acknowledges waives speaking
3:50:17 PM	Chair Martin recognizes Sen Jones to close on the bill
3:50:20 PM	Sen Jones
3:51:37 PM	Roll call
3:51:49 PM	Chair Martin reports on SB 418
3:51:55 PM	Tab 1: SB 132
3:51:59 PM	Chair Martin recognizes Sen Polsky to explain the bill
3:52:01 PM	Sen Polsky
3:53:45 PM	Questions:
3:53:47 PM	Sen Pizzo
3:54:12 PM	Sen Polsky
3:54:17 PM	Amanda Stokes
3:54:22 PM	Sen Pizzo
3:54:47 PM	Amanda Stokes
3:55:03 PM	Appearance Cards:
3:55:10 PM	Julie Kent
3:55:49 PM	Chair Martin acknowledges waives speaking
3:56:46 PM	Chair Martin recognizes Sen Polsky to close on the bill
3:56:48 PM	Sen Polsky
3:57:04 PM	Roll call
3:57:19 PM	Chair Martin reports on SB 132
3:57:39 PM	Chair Martin passes the gavel to Vice Chair Smith
3:57:49 PM	Chair Smith

3:57:51 PM Tab 9: SB 1734  
3:58:00 PM Chair Smith recognizes Sen Martin to explain the bill  
3:58:05 PM Sen Martin  
3:59:08 PM Chair Smith acknowledges waives speaking  
3:59:36 PM Roll call  
3:59:58 PM Chair Smith reports on SB 1734  
4:00:03 PM Chair Smith passes gavel back to Sen Martin  
4:00:20 PM Tab 5: SB 748  
4:00:25 PM Chair Martin recognizes Sen Bracy Davis to explain the bill  
4:00:28 PM Sen Bracy Davis  
4:02:07 PM Chair Martin acknowledges waives speaking  
4:02:51 PM Debate:  
4:02:53 PM Vice Chair Smith  
4:03:46 PM Sen Pizzo  
4:04:31 PM Chair Martin  
4:06:45 PM Chair Martin recognizes Sen Bracy Davis to close on the bill  
4:06:48 PM Sen Bracy Davis  
4:07:20 PM Roll call  
4:07:32 PM Chair Martin reports on SB 748  
4:07:37 PM Chair Martin passes the gavel to Vice Chair Smith  
4:07:43 PM Tab 8: SB 1660  
4:07:49 PM Chair Smith recognizes Sen Martin to explain the bill  
4:07:51 PM Sen Martin  
4:08:24 PM Chair Smith  
4:08:34 PM Debate:  
4:08:36 PM Chair Smith  
4:09:40 PM Chair Smith recognizes Sen Martin to close on the bill  
4:09:43 PM Sen Martin  
4:10:20 PM Roll call  
4:10:36 PM Chair Smith reports on SB 1660  
4:10:44 PM Tab 10: SB 1742  
4:10:55 PM Chair Smith recognizes Sen Martin to explain am. 866418  
4:10:58 PM Sen Martin  
4:12:35 PM Questions:  
4:12:39 PM Chair Smith  
4:12:47 PM Sen Martin  
4:13:07 PM Chair Smith acknowledges waives speaking  
4:13:45 PM Roll call  
4:13:59 PM Chair Smith reports on SB 1742  
4:14:09 PM Tab 11: SB 1750  
4:14:15 PM Chair Smith recognizes Sen Martin to explain the bill  
4:14:17 PM Sen Martin  
4:17:04 PM Chair Smith acknowledges waives speaking  
4:17:28 PM Roll call  
4:17:42 PM Chair Smith reports on SB 1750  
4:18:02 PM Tab 6: SB 1326  
4:18:13 PM Chair Smith recognizes Sen Martin to explain the bill  
4:18:16 PM Sen Martin  
4:19:40 PM Questions:  
4:19:43 PM Sen Pizzo  
4:20:21 PM Sen Martin  
4:20:34 PM Sen Pizzo  
4:22:15 PM Sen Martin  
4:23:20 PM Sen Pizzo  
4:24:11 PM Sen Martin  
4:25:10 PM Chair Smith  
4:26:42 PM Sen Martin  
4:29:07 PM Chair Smith  
4:29:54 PM Sen Martin  
4:30:26 PM Chair Smith  
4:31:12 PM Sen Martin  
4:33:43 PM Chair Smith

4:34:00 PM	Sen Martin
4:34:18 PM	Sen Pizzo
4:38:15 PM	Sen Martin
4:39:00 PM	Sen Pizzo
4:39:17 PM	Sen Martin
4:39:21 PM	Sen Pizzo
4:39:24 PM	Sen Martin
4:39:50 PM	Chair Smith acknowledges waives speaking
4:39:58 PM	Appearance Cards:
4:40:03 PM	Nellie King, FL Assn. of Criminal Defense Lawyers
4:49:52 PM	Vice Chair Smith
4:49:58 PM	Questions:
4:50:00 PM	Sen Pizzo
4:51:51 PM	Nellie King
4:53:16 PM	Chair Smith acknowledges waives speaking
4:53:37 PM	Debate:
4:53:39 PM	Sen Pizzo
4:56:09 PM	Chair Smith
4:57:56 PM	Chair Smith recognizes Sen Martin to close on the bill
4:57:58 PM	Sen Martin
5:01:57 PM	Roll call
5:02:20 PM	Chair Smith reports on SB 1326
5:02:43 PM	Recess
5:02:46 PM	Recording Paused
5:05:31 PM	Recording Resumed
5:05:36 PM	Reconvene
5:05:45 PM	Chair Smith
5:06:39 PM	Sen Martin motions to reconsider SB 1750, approved
5:07:09 PM	Tab 11: SB 1750 moved to next meeting
5:07:20 PM	Tab 7: SB 1332
5:07:21 PM	Chair Smith recognizes Sen Martin to explain the bill
5:07:26 PM	Sen Martin
5:08:34 PM	Questions:
5:08:37 PM	Chair Smith
5:08:52 PM	Sen Martin
5:09:12 PM	Chair Smith acknowledges waives speaking
5:09:35 PM	Roll call
5:09:53 PM	Chair Smith reports on SB 1332
5:10:03 PM	Chair Smith passes gavel to Sen Martin
5:10:06 PM	Chair Martin
5:10:21 PM	Sen Simon motions to record votes for tab 3, tab 2, affirmative
5:10:38 PM	Sen Garcia motions to record vote for tab 7, affirmative
5:11:00 PM	Sen Pizzo motions to reconsider SB 1326, vote to be held next meeting
5:11:40 PM	Chair Martin
5:11:57 PM	Adjournment