

Tab 1	SB 132 by Polsky ; Similar to H 00073 Restoration of Voting Rights		
Tab 2	SB 418 by Jones ; Identical to H 00365 Law Enforcement Officer Interactions with Individuals with Autism Spectrum Disorder		
Tab 3	SB 442 by Yarborough ; Similar to H 00359 Return of Certain Search Warrants		
Tab 4	SB 646 by Gaetz ; Identical to H 00477 Drug Paraphernalia		
Tab 5	SB 748 by Bracy Davis ; Identical to H 00467 Notice of Restoration of Voting Rights Information on Sentencing Scoresheets		
Tab 6	SB 1326 by Martin ; Identical to H 01505 Prosecution of Defendants		
Tab 7	SB 1332 by Martin ; Similar to CS/H 00931 Career Offender Registration		
Tab 8	SB 1660 by Martin ; Identical to H 00171 Responsible Firearm Safety Awareness Month		
Tab 9	SB 1734 by Martin ; Identical to H 01153 Juvenile Justice		
Tab 10	SB 1742 by Martin ; Compare to CS/H 01525 Lewd or Lascivious Exhibition		
866418	D S LRCS	CJ, Martin	Delete everything after 01/26 06:17 PM
Tab 11	SB 1750 by Martin ; 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	SB 132 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.	Favorable Yea 7 Nays 0
		CJ 01/26/2026 Favorable ACJ FP	
2	SB 418 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.	Favorable Yea 8 Nays 0
		CJ 01/26/2026 Favorable ACJ FP	
3	SB 442 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.	Favorable Yea 8 Nays 0
		CJ 01/26/2026 Favorable JU RC	

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	SB 646 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 Yea 8 Nays 0
5	SB 748 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 Yea 7 Nays 0
6	SB 1326 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 Yea 4 Nays 3 -Pending Reconsideration

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	SB 1332 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 Yea 7 Nays 0
8	SB 1660 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 Yea 7 Nays 0
9	SB 1734 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 Yea 7 Nays 0
10	SB 1742 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 Yea 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	SB 1750 Martin (Similar H 1159)	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. CJ 01/26/2026 Pending reconsideration (Favorable) ACJ FP	Favorable Yea 7 Nays 0 -Pending Reconsideration

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 132

INTRODUCER: Senator Polsky

SUBJECT: Restoration of Voting Rights

DATE: January 23, 2026 REVISED: _____

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

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.¹

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.²

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.³

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.⁴

Upon a felony conviction, the civil rights of such person must be suspended in Florida until such rights are restored by a full pardon,⁵ conditional pardon,⁶ or restoration of civil rights⁷ granted pursuant to s. 8, Art. IV of the State Constitution and s. 98.0751, F.S.⁸

¹ 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).

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

³ Section 98.0751(2)(a)5.e., F.S.

⁴ Section 4, Art. VI, the Florida Constitution.

⁵ 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).

⁶ 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.*

⁷ 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.*

⁸ 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:⁹

- 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.¹⁰

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 or by mail or in person.¹¹

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.¹²

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.¹³ The FCOR has the powers and duties to:¹⁴

- 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.

⁹ Section 940.05, F.S.

¹⁰ Section 940.061, F.S.

¹¹ 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).

¹² 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).

¹³ Sections 947.01, and 947.02, F.S.

¹⁴ Section 947.13(1)(a)-(h), F.S.

- Establish the terms and conditions of persons released on conditional release,¹⁵ control release,¹⁶ and conditional medical release¹⁷ 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.

¹⁵ Section 947.1405, F.S.

¹⁶ Section 947.146, F.S.

¹⁷ 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.

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

By Senator Polsky

30-00124-26

A bill to be entitled

2026132

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

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

Page 1 of 4

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

30-00124-26

2026132

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

Page 2 of 4

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30-00124-26

2026132

59 monthly any information held by these governmental entities
 60 which is required under paragraph (a).
 61 (c) The Department of Management Services, acting through
 62 the Florida Digital Service, shall provide any technical
 63 assistance necessary for the commission to develop and maintain
 64 the database. The Department of Management Services may adopt
 65 rules to provide such assistance.
 66 (d) By July 1, 2029, the commission shall make the database
 67 available to the public on an Internet website. The commission
 68 shall update the database monthly with the information received
 69 from each governmental entity under paragraph (b). The
 70 commission shall publish on the website clear instructions that
 71 a person who has been disqualified from voting based on a felony
 72 conviction other than murder or a felony sexual offense may
 73 follow to have his or her voting rights restored and to register
 74 to vote.
 75 (e) By July 1, 2027, the commission shall provide a
 76 comprehensive plan to the Governor, the President of the Senate,
 77 and the Speaker of the House of Representatives which includes
 78 all of the following:
 79 1. The governmental entities from which and the methods by
 80 which the commission shall collect, centralize, analyze, and
 81 secure the information required to be included in the database.
 82 2. A description of any infrastructure and services,
 83 including, but not limited to, software, hardware, and
 84 information technology services, which may be necessary to
 85 create and maintain the database.
 86 3. The anticipated number of additional employees necessary
 87 for:

Page 3 of 4

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

30-00124-26

2026132

88 a. The commission to develop and maintain the database.
 89 b. A governmental entity to provide the information
 90 required under paragraph (b).
 91 c. The Florida Digital Service to provide the assistance
 92 required under paragraph (c).
 93 4. The anticipated initial cost to develop the database;
 94 the annual cost to maintain the database; and the annual
 95 appropriation required to fund the anticipated costs incurred by
 96 the commission, each governmental entity, and the Florida
 97 Digital Service.
 98 5. Any legal authority necessary for the commission to
 99 develop and maintain the database.
 100 6. Draft legislation to implement the comprehensive plan.
 101 (f) Notwithstanding any law to the contrary, a person who
 102 registers to vote or who votes in reasonable reliance on
 103 information contained in the database indicating that his or her
 104 voting rights have been restored pursuant to s. 4, Art. VI of
 105 the State Constitution has an affirmative right to register and
 106 to vote and may not be charged with a violation of any criminal
 107 law of this state related to fraudulently voting or registering
 108 to vote.
 109 (g) The commission shall adopt rules to implement this
 110 subsection.
 111 Section 2. This act shall take effect July 1, 2026.

Page 4 of 4

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



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 black 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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

1/26/26

Meeting Date

CRIM JUST

Committee

Name AARON WYATT

The Florida Senate
APPEARANCE RECORD

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

646

Bill Number or Topic

FL ASSN OF CRIM
DEF LAWYERS

Amendment Barcode (if applicable)

(407) 435-3194

Address _____ Email _____
Street

TLA

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

January 26, 2026

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

<p><input type="checkbox"/> I am appearing without compensation or sponsorship.</p>	<p><input checked="" type="checkbox"/> I am a registered lobbyist, representing: Florida Smart Justice Alliance</p>	<p><input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:</p>
---	--	--

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

646

Bill Number or Topic

Amendment Barcode (if applicable)

8505109922

Phone

Email **Barney@BarneyBishop.com**

1/26/26

Meeting Date

Criminal Justice

Committee

Name Brad Bishop

Phone 850-830-8397

Address 2211 W Fairfield Dr
Street

Email offensive@gmail.com

Pensacola,
City

FL
State

32505
Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

<input checked="" type="checkbox"/> I am appearing without compensation or sponsorship.	<input type="checkbox"/> I am a registered lobbyist, representing:	<input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 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	Favorable
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.¹

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.^{2,3}

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.⁴

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:

¹ 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).

² 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).

³ Section 943.13, F.S.

⁴ 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.⁵

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.⁶

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.

⁵ Section 627.6686, F.S.

⁶ 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.⁷

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.

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

⁷ 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

A bill to be entitled

2026418

Page 1 of 5

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

34-00167B-26

an effective date.

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

Section 1. Section 320.021, Florida Statutes, is created to read:

320.021 Blue envelope program.—

(1) The department shall establish a blue envelope program for the purpose of improving communication between individuals with autism spectrum disorder and law enforcement officers during motor vehicle-related interactions.

(2) By January 1, 2027, the department shall develop and make available to individuals with autism spectrum disorder a blue envelope that is intended to hold a copy of an individual's driver license and his or her vehicle registration, proof of insurance, and emergency contact information, which envelope may be provided by the individual to a law enforcement officer during a motor vehicle-related interaction. The exterior of the blue envelope must identify the individual as an individual with autism spectrum disorder and include communication guidelines intended to assist law enforcement officers during interactions with drivers with autism spectrum disorder.

(3) Beginning January 1, 2027, an individual with autism spectrum disorder may request a blue envelope from the department or a tax collector's office.

Section 2. Section 943.1727, Florida Statutes, is amended to read:

943.1727 continued Employment training relating to autism spectrum disorder.—

Page 2 of 5

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

34-00167B-26

2026418

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

60 (a) "Agency" means the ability to make independent

61 decisions and act in one's own best interests.

62 (b) "Autism spectrum disorder" has the same meaning as in

63 s. 627.6686(2).

64 (2) The commission department shall establish an a

65 continued employment training component relating to individuals

66 with autism spectrum disorder. Such training component must be

67 developed jointly by the commission and an organization that

68 advocates on behalf of, and offers training to law enforcement

69 officers in this state on interactions with, individuals with

70 autism spectrum disorder as defined in s. 627.6686. The training

71 component shall include, but need not be limited to, instruction

72 on the recognition of the symptoms and characteristics of an

73 individual on the autism disorder spectrum and appropriate

74 responses to an individual exhibiting such symptoms and

75 characteristics. Completion of the training component counts may

76 count toward the 40 hours of instruction for continued

77 employment or appointment as a law enforcement officer required

78 under s. 943.135.

79 (3) The employment training component for law enforcement

80 officers which relates to interactions with individuals with

81 autism spectrum disorder must include in-person instruction for

82 initial certification and online or in-person instruction for

83 continued employment training or education required under s.

84 943.135(1) in all of the following:

85 (a) The nature and manifestation of autism spectrum

86 disorder.

87 (b) Techniques for interviewing or interrogating an

Page 3 of 5

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

34-00167B-26

2026418

88 individual with autism spectrum disorder, including techniques

89 to ensure the legality of statements made by the individual and

90 techniques used to protect the rights of the individual.

91 (c) Techniques for locating an individual with autism

92 spectrum disorder who has run away and is in danger and for

93 returning that individual while causing as little stress as

94 possible to the individual.

95 (d) Techniques for recognizing the agency of an individual

96 with autism spectrum disorder while identifying potential

97 abusive or coercive situations.

98 (e) Techniques for de-escalating a potentially dangerous

99 situation to maximize the safety of both the officer and the

100 individual with autism spectrum disorder.

101 (f) Techniques for differentiating an individual with

102 autism spectrum disorder from an individual who is belligerent,

103 uncooperative, or otherwise displaying traits similar to the

104 characteristics of an individual with autism spectrum disorder

105 and for understanding the law as it relates to the use of the

106 Baker Act on an individual with autism spectrum disorder.

107 (g) The impact of an interaction with officers on

108 individuals with autism spectrum disorder.

109 (h) Information about the blue envelope program established

110 under s. 320.021 and the "SAFE" designation included in the

111 motor vehicle record pursuant to s. 320.02(15).

112 (4) All recruits must complete the employment training

113 component relating to individuals with autism spectrum disorder.

114 Such training component may be taught as part of other relevant

115 components of the training.

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

Page 4 of 5

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

34-00167B-26

2026418__

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 black ink, appearing to read "Shev" or "Shevrin".

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



2026 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

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

COMMITTEES OF REFERENCE

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

CURRENT COMMITTEE

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB 365
SPONSOR:	Representative Valdes

Is this bill part of an agency package?

No.

BILL ANALYSIS INFORMATION

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

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

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

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

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

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

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

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

ADDITIONAL COMMENTS

January 26, 2026

The Florida Senate

APPEARANCE RECORD

SB418

Meeting Date

CRIMINAL JUSTICE

Committee

Name **Hector Gonzalez**

Phone **305-528-0995**

Address **655 96 Street**

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

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

S-001 (08/10/2021)

1.26.26

Meeting Date

S CJ

Committee

Name

Laura - Lee M. nute10

Phone

Address

2413 Cave Dr

Street

Tallahassee FL

City

State

Zip

Amendment Barcode (if applicable)

UP 418

Bill Number or Topic

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. [2020-2022JointRules.pdf](#) (f1senate.gov)

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S-001 (08/10/2021)

January 26, 2026

The Florida Senate

APPEARANCE RECORD

418

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

Bill Number or Topic

Meeting Date
Criminal Justice

Committee

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

Street

Tallahassee

FL

32308

City

State

Zip

Phone **8505109922**

Email **Barney@BarneyBishop.com**

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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 (flesenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/26/20

Meeting Date

Criminal Justice

Committee

Name Foxfire Ferenc

Phone _____

Address Po Box 13184
Street

Email _____

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:

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)

11/26/20

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

418

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name REBECCA BOWMAN

Phone _____

Address PO BOX 13184

Street

Email _____

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:

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 442

INTRODUCER: Senator Yarborough

SUBJECT: Return of Certain Search Warrants

DATE: January 23, 2025 REVISED: 1/27/26 _____

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

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.¹ 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.²

¹ Section 815.03, F.S.

² *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.³

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.⁴

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.”⁵

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.⁶

³ “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 (last viewed January 13, 2026).

⁴ *Id.*

⁵ 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.

⁶ 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.⁷

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.⁸ 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.

⁷ Section 933.05, F.S.

⁸ 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

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

12 Section 1. Section 933.05, Florida Statutes, is amended to
13 read:
14 933.05 Issuance in blank prohibited.—A search warrant
15 cannot be issued except upon probable cause supported by
16 affidavit or affidavits, naming or describing the person, place,
17 or thing to be searched and particularly describing the property
18 or thing to be seized; a no search warrant may not shall be
19 issued in blank, and any such warrant must shall be returned
20 within 10 days after issuance thereof, except that a search
21 warrant issued for a computer, a computer system, or an
22 electronic device, as those terms are defined in s. 815.03, that
23 is in the actual possession of a law enforcement agency at the
24 time such warrant is issued must shall be returned to the court
25 within 365 45 days after issuance thereof.

26 | 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.

Clay Yarborough

Senator Clay Yarborough
Florida Senate, District 4

1/26/26

Meeting Date

The Florida Senate

APPEARANCE RECORD

442

Bill Number or Topic

Criminal Justice

Committee

Name State Atty. Jack Campbell Phone 850-606-6000

Address 301 S. Monroe Street, suite #475 Email CampbellJ@leoncounty.fl.gov
Street

Tallahassee,

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

1-26-2024

Meeting Date

Criminal Justice

Committee

Name Ryan Ellis

Address 212 Blanding Blvd.
Street
ORANGE PARK, FL.

City

State

32073

Zip

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)

904-239-8636

Phone

Email Rm ellis@claysheriff.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

1-26-26

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB442

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michelle Strippling

Phone 850 - 745 - 7189

Address 15 oak Street
Street

Email mstrippling@wcso.org

crawfordsville Ft. 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

1-26-26

Meeting Date

APPEARANCE RECORD

SB442

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Andria FarmerPhone 850-745-7191Address 15 Oak Street
StreetEmail a.farmer@wesco.orgCity Gowfbridge State FLZip 32327Speaking: 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](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/26/2026

Meeting Date

Criminal Justice

Committee

Name Ashley Hudson

Address 15 Oak Street

Street

Crawfordville, FL

City

State

32327

Zip

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

SB 442

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-567-5194

Email hudsoncrew99@gmail.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

January 26, 2026

442

Meeting Date

Criminal Justice

Bill Number or Topic

Committee

Name **Barney Bishop**

Amendment Barcode (if applicable)

8505109922Address **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

The Florida Senate

APPEARANCE RECORD

SB 442

Meeting Date

Appropriations Committee on Transportation, Tourism, and Economic Development

Committee

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 646

INTRODUCER: Senator Gaetz

SUBJECT: Drug Paraphernalia

DATE: January 23, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	<u>Favorable</u>
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.¹ 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

¹ 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.²

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 fentanyl³ or any other controlled substance.⁴ 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.⁵

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).”⁶

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.⁷

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”⁸ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

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

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

³ Section 893.03(2)(b)9, F.S.

⁴ Section 893.135(1)(c)4.a, F.S.

⁵ Section 893.145, F.S.

⁶ 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 . (last visited on January 15, 2026).

⁷ 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).

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

- Schedule 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.”⁹ Fentanyl is a Schedule (2)(b) controlled substance.¹⁰

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.¹¹ Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.¹²

Cocaine¹³ and amphetamines¹⁴ 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

⁹ *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.*

¹⁰ Section 893.03(2)(b)9., F.S.

¹¹ 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).

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

¹³ Section 893.03, F.S.

¹⁴ *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.*¹⁵ Drug paraphernalia is contraband which is subject to civil forfeiture.¹⁶

Drug paraphernalia, in part includes:

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

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.

¹⁵ Section 877.111, F.S., prohibits inhaling, etc., of certain substances.

¹⁶ Section 893.145, F.S.

¹⁷ 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.¹⁸

It is a first degree misdemeanor¹⁹ to:

- Use, or possess with intent to use, drug paraphernalia to test a controlled substance.²⁰
- 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.²¹

It is a third degree felony²² 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.²³
- 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.²⁴

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.²⁵ 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.²⁶²⁷

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.

¹⁸ Section 893.146, F.S.

¹⁹ 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.

²⁰ Section 893.147(1)(a), F.S.

²¹ Section 893.147(5), F.S.

²² 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).*

²³ Section 893.147(2), F.S.

²⁴ Section 893.147(4), F.S.

²⁵ Section 893.21(1), F.S.

²⁶ Section 893.21, F.S.

²⁷ 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.²⁸

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.

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

²⁸ 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

1 A bill to be entitled

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

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. (1) The Legislature finds and declares that
 11 this state continues to experience unprecedented deaths caused
 12 by synthetic opioids, stimulants, and other adulterated or
 13 misrepresented substances in the illicit drug supply.

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

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

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

Page 1 of 5

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1-00876-26

2026646

30 tragedy occurs.

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

33 893.145 "Drug paraphernalia" defined.—The term "drug
 34 paraphernalia" means all equipment, products, and materials of
 35 any kind which are used, intended for use, or designed for use
 36 in planting, propagating, cultivating, growing, harvesting,
 37 manufacturing, compounding, converting, producing, processing,
 38 preparing, ~~testing~~, analyzing, packaging, repackaging, storing,
 39 containing, concealing, transporting, injecting, ingesting,
 40 inhaling, or otherwise introducing into the human body a
 41 controlled substance in violation of this chapter or s. 877.111.
 42 Drug paraphernalia is deemed to be contraband which shall be
 43 subject to civil forfeiture. The term includes, but is not
 44 limited to:

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

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

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

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

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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

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.

A blue ink signature of Senator Don Gaetz, which appears to read "Don Gaetz".

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

1/26/26

Meeting Date

CRIM JUST

Committee

Name AARON WYATT

The Florida Senate
APPEARANCE RECORD

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

646

Bill Number or Topic

FL ASSN OF CRIM
DEF LAWYERS

Amendment Barcode (if applicable)

(407) 435-3194

Address _____ Email _____
Street

TLA

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.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

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

<p><input type="checkbox"/> I am appearing without compensation or sponsorship.</p>	<p><input checked="" type="checkbox"/> I am a registered lobbyist, representing: Florida Smart Justice Alliance</p>	<p><input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:</p>
---	--	--

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

646

Bill Number or Topic

Amendment Barcode (if applicable)

8505109922

Phone

Email **Barney@BarneyBishop.com**

1/26/26

Meeting Date

Criminal Justice

Committee

Name Brad Bishop

Phone 850-830-8397

Address 2211 W Fairfield Dr
Street

Email offensive@gmail.com

Pensacola,
City

FL
State

32505
Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

<input checked="" type="checkbox"/> I am appearing without compensation or sponsorship.	<input type="checkbox"/> I am a registered lobbyist, representing:	<input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
---	--	---

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 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	Favorable
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 election¹ 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.²

¹ 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.

² 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 felony³ by any court of record.⁴ The Secretary of State, who is the head of the Florida Department of State (DOS), is designated as the chief election officer of Florida⁵ and is required, in part, to:

- Obtain and maintain uniformity in the interpretation and implementation of the election laws;⁶
- Enact rules to provide uniform standards for the proper and equitable implementation of the registration laws;⁷ and
- Create and administer a uniform statewide voter registration system as required by the Help America Vote Act of 2002.⁸

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.”⁹

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.¹⁰

³ 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.

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

⁵ Section 97.012, F.S.

⁶ Section 97.012(1), F.S.

⁷ Section 97.012(2), F.S.

⁸ 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.

⁹ 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.

¹⁰ 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,¹¹ conditional pardon,¹² or restoration of civil rights¹³ granted pursuant to s. 8, Art. IV of the State Constitution and s. 98.0751, F.S.¹⁴

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:¹⁵

- 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)¹⁶ 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.

¹¹ 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).

¹² 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.*

¹³ 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.*

¹⁴ Section 944.292, F.S.

¹⁵ Section 940.05, F.S.

¹⁶ 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:

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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59 4. Termination from any term of any supervision, which is
 60 monitored by the Florida Commission on Offender Review,
 61 including, but not limited to, parole; and
 62 5.a. Full payment of restitution ordered to a victim by the
 63 court as a part of the sentence. A victim includes, but is not
 64 limited to, a person or persons, the estate or estates thereof,
 65 an entity, the state, or the Federal Government.
 66 b. Full payment of fines or fees ordered by the court as a
 67 part of the sentence or that are ordered by the court as a
 68 condition of any form of supervision, including, but not limited
 69 to, probation, community control, or parole.
 70 c. The financial obligations required under sub-
 71 subparagraph a. or sub subparagraph b. include only the amount
 72 specifically ordered by the court as part of the sentence and do
 73 not include any fines, fees, or costs that accrue after the date
 74 the obligation is ordered as a part of the sentence.
 75 d. For the limited purpose of addressing a plea for relief
 76 pursuant to sub subparagraph e. and notwithstanding any other
 77 statute, rule, or provision of law, a court may not be
 78 prohibited from modifying the financial obligations of an
 79 original sentence required under sub subparagraph a. or sub-
 80 subparagraph b. Such modification shall not infringe on a
 81 defendant's or a victim's rights provided in the United States
 82 Constitution or the State Constitution.
 83 e. Financial obligations required under sub subparagraph a.
 84 or sub subparagraph b. are considered completed in the following
 85 manner or in any combination thereof:
 86 (I) Actual payment of the obligation in full.
 87 (II) Upon the payee's approval, either through appearance

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88 15-01216-26
 89 in open court or through the production of a notarized consent
 90 by the payee, the termination by the court of any financial
 91 obligation to a payee, including, but not limited to, a victim,
 92 or the court.
 93 (III) Completion of all community service hours, if the
 94 court, unless otherwise prohibited by law or the State
 95 Constitution, converts the financial obligation to community
 96 service.
 97 A term required to be completed in accordance with this
 98 paragraph shall be deemed completed if the court modifies the
 99 original sentencing order to no longer require completion of
 100 such term. The requirement to pay any financial obligation
 101 specified in this paragraph is not deemed completed upon
 102 conversion to a civil lien.
 103 (b) "Felony sexual offense" means any of the following:
 104 1. Any felony offense that serves as a predicate to
 105 registration as a sexual offender in accordance with s.
 106 943.0435;
 107 2. Section 491.0112 [sexual misconduct by a
 108 psychotherapist];
 109 3. Section 784.049(3) (b) or (4) [sexual cyberharassment by
 110 a person with a prior sexual cyberharassment conviction or
 111 sexual cyberharassment when committed for the purpose of
 112 pecuniary or any other financial gain];
 113 4. Section 794.08 [female genital mutilation];
 114 5. Section 796.08 [criminal transmission of HIV];
 115 6. Section 800.101 [offenses against students by authority
 116 figures];

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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.

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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.

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

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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

1/26/26

Meeting Date

Criminal Justice

Committee

APPEARANCE RECORD

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

SB 748

Bill Number or Topic

Amendment Barcode (if applicable)

Name Julie Kent

Phone

Address PO Box 149805

Street

Email

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:

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

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S-001 (08/10/2021)

1/26/26

Meeting Date

CRIM JUST

Committee

Name AARON WAYT

The Florida Senate
APPEARANCE RECORD

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FL ASSN OF CRIM
DEF LAWYERS

748

Bill Number or Topic

Amendment Barcode (if applicable)

(407) 435-3194

Address _____ Email _____
Street _____

TLH

FL

32311

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

1.26.26

Meeting Date

6 CJ

Committee

Name

Laura - LaMinutello

Phone

Address

2473 Cave Dr

Email

Street

Tallahassee

FL

32301

City

Zip

lauram@disabilityrightsfla.org

rightsfla.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights FL

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)

January 26, 2026

Meeting Date

Criminal Justice

Committee

Name Gus Corbella

Address 101 East College Avenue

Street

Tallahasssee

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. [2020-2022JointRules.pdf](#) (f1senate.gov)

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5-001 100-100-100

January 26, 2026

The Florida Senate

APPEARANCE RECORD

748

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

Street

Tallahassee

FL

32308

City

State

Zip

Deliver both copies of this form to
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Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8505109922**

Email **Barney@BarneyBishop.com**

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

1-26-24

Meeting Date

Criminal Justice

APPEARANCE RECORD

748

Bill Number or Topic

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Committee

Name Barbara Devane

Phone 850-251-4380

Address 625 E. Bernard St

Street

Email barbara.devane1@
Yahos. com

Tallahassee

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:

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S-001 (08/10/2021)

The Florida Senate

1/26/26

Meeting Date

Criminal Justice

Committee

APPEARANCE RECORD

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748

Bill Number or Topic

Name Roxane Peret

Phone _____

Address PO Box 13184
Street

Email _____

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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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/26/2026

Meeting Date

Criminal Justice

Committee

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)

01/26/20

Meeting Date

Criminal Justice

Committee

Name Kaitlyn Kirk

The Florida Senate

APPEARANCE RECORD

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SB 748

Bill Number or Topic

Amendment Barcode (if applicable)

Phone _____

Address _____ Email _____

Street

Brandon

State

FL

City

35511

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

1/26/26

Meeting Date

CRIMINAL JUSTICE

Committee

APPEARANCE RECORD

748

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name REBECCA BOWMAN

Phone _____

Address PO BOX 13184

Email _____

Street

ST PETERSBURG FL

033733

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1326

INTRODUCER: Senator Martin

SUBJECT: Prosecution of Defendants

DATE: January 23, 2026 REVISED: _____

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

I. Summary:

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

- o 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.
- o 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.
- o 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.¹

The defendant has the burden of proving the defense of insanity by clear and convincing evidence.² 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.³

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.⁴ 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.⁵

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."⁶

¹ Section 775.027(1), F.S.

² 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. 5th 2015).

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

⁴ Section 916.15(2), F.S.

⁵ 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. 5th 2004).

⁶ 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.⁷

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.⁸ 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.”⁹ 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.”¹⁰

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.¹¹ 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.¹²

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.^{13,14} Additionally, Florida courts have held that involuntary intoxication is admissible only to negate the intent required for specific intent crimes.¹⁵

⁷ K.S.A. 21-5202.

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

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 775.027, F.S.

¹² Section 21-5202, K.S.

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

¹⁴ See also s. 775.051, F.S., abolishing voluntary intoxication as a defense.

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

While Florida has not defined “culpable mental state,” Kansas has defined it to include “knowingly,” and “recklessly.”¹⁶ 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.¹⁷

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.¹⁸ 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.’¹⁹

“[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.”²⁰

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.²¹

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.

¹⁶ Section 21-5202, K.S.,

¹⁷ Section 916.12(1), F.S.

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

¹⁹ *Id.*

²⁰ *Id.*

²¹ 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.²²

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.²³

The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure.²⁴ 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.

²² Section 916.15(3)(a), F.S.; *See* s. 394.467, F.S., Involuntary inpatient placement.

²³ Section 921.002(1)(f), and (3), F.S.

²⁴ 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.²⁵

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.²⁶ 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.

²⁵ *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.

²⁶ 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. 2nd 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.

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

By Senator Martin

33-01489-26

20261326

Page 1 of 4

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

33-01489-26

20261326

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

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

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.

58 Mental infirmity, disease, or defect does not constitute a

Page 2 of 4

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

33-01489-26

20261326

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
 defendant.
- 70 (b) Appreciate the range and nature of possible penalties,
 if applicable, that may be imposed in the proceedings against
 the defendant.
- 71 (c) Understand the adversarial nature of the legal process.
- 72 (d) Disclose to counsel facts pertinent to the proceedings
 at issue.
- 73 (e) Manifest appropriate courtroom behavior.
- 74 (f) Testify relevantly.

75 In addition, an examining expert shall administer a clinically
 76 recognized instrument to determine whether the defendant is
malingering and include the results of this instrument
 77 in his or her report, along with any other factor deemed
 relevant by the expert.

78 Section 3. Paragraph (d) of subsection (2) of section
 79 921.0026, Florida Statutes, is amended to read:

80 921.0026 Mitigating circumstances.—This section applies to

Page 3 of 4

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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
mental disorder that is unrelated to substance abuse or
addiction or for a physical disability, and the defendant is
amenable to treatment.

94 Section 4. Section 921.245, Florida Statutes, is created to
 95 read:

96 921.245 Mental health treatment for convicted defendants.—
 97 (1) If a 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, but the treatment may not provide a basis for a
sentencing court to depart from the lowest permissible sentence
established by the Criminal Punishment Code.

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

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

Page 4 of 4

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1/26/26

Meeting Date

CRIM JUSTICE

Committee

Name NELLIE KING

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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FL ASSN OF CRIM
DEF LAWYERS

Phone _____

1326

Bill Number or Topic

Amendment Barcode (if applicable)

Address _____ Email _____
Street _____

WPB

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

January 26, 2026

The Florida Senate

APPEARANCE RECORD

1326

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Meeting Date
Criminal Justice

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](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

1/26/24

Meeting Date

Criminal Justice

Committee

Name LIBBY Guzzo

Address PL-01 CAPITOL

Street

Tallahassee

FL

32391

City

State

Zip

Phone

850-245-0155

Email

LIBBY.Guzzo@my.floridalegian.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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. 2020-2022JointRules.pdf (flesenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1326

Bill Number or Topic

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Amendment Barcode (if applicable)

The Florida Senate

01/26/26

Meeting Date

Senate CT

Committee

APPEARANCE RECORD

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SB1326

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Hanna - Floridians for
Alternatives to the Death PenaltyPhone 8505446939Address 216 Parkbrook Circle
StreetEmail grace@fadp.org32308

City

State

Zip

Speaking: For Against Information**OR**Waive Speaking: In Support Against I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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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 1332

INTRODUCER: Senator Martin

SUBJECT: Career Offender Registration

DATE: January 23, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Favorable
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.¹

¹ 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,² 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.³ 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.⁴

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 offender⁵ or as a prison releasee reoffender.⁶ 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.⁷

“Temporary residence⁸” 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

² Section 775.261, F.S.

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

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

⁵ Section s. 775.084, F.S.

⁶ Section 775.082(9), F.S.

⁷ Section 775.261(1)(f), F.S.

⁸ 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.⁹

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.¹⁰

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

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 noting “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.”

⁹ Section 775.261(4)(a), F.S.

¹⁰ Section 775.261(4)(d), F.S.

¹¹ Section 775.261(5), F.S.

¹² 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”¹³ and “temporary residence.”¹⁴ 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.

¹³ Section 322.141(2)(f), F.S.

¹⁴ 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.¹⁵

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;

¹⁵ 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.¹⁶

¹⁶ 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 felony¹⁷ 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;

¹⁷ 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, 3rd degree felony was 9.7% and the incarceration rate for a Level 4, 2nd degree felony was 27.4%.¹⁸

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.

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

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

By Senator Martin

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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 career
51 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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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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175 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:

183 (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."

186 (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."

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

192 (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).

198 (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).

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

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204 read:

205 775.261 The Florida Career Offender Registration Act.—

206 (1) SHORT TITLE.—This section may be cited as "The Florida

207 Career Offender Registration Act."

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

209 (a) "Career offender" means any person who is designated as

210 a habitual violent felony offender, a violent career criminal,

211 or a three-time violent felony offender under s. 775.084 or as a

212 prison releasee reoffender under s. 775.082(9).

213 (b) "Chief of police" means the chief law enforcement

214 officer of a municipality.

215 (c) "Community" means any county where the career offender

216 lives or otherwise establishes or maintains a permanent,

217 temporary, or transient permanent residence.

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

219 (e) "Entering the county" includes being discharged from a

220 correctional facility, jail, or secure treatment facility within

221 the county or being under supervision within the county with a

222 career-offender designation as specified in paragraph (a).

223 (f) "Permanent residence" means a place where the career

224 offender abides, lodges, or resides for 3 14 or more consecutive

225 days that is the person's home or other place where the person

226 primarily lives. For the purpose of calculating a permanent

227 residence under this paragraph, the first day that a career

228 offender abides, lodges, or resides at a place is excluded and

229 each subsequent day is counted. A day includes any part of a

230 calendar day.

231 (g) "Professional license" means the document of

232 authorization or certification issued by an agency of this state

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

236 (h)1. ~~(g)~~ "Temporary residence" means+

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

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

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

256 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.~~

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

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

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

282 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—
 283 (a) A career offender released on or after July 1, 2002,
 284 from a sanction imposed in this state must register as required
 285 under this section ~~subsection~~ (4) and is subject to community
 286 and public notification as provided under subsection ~~(11)~~ ~~(5)~~.
 287 If no sanction is imposed, the person is deemed to be released
 288 upon conviction. For purposes of this section, a sanction
 289 imposed in this state means ~~includes, but is not limited to, a~~
 290 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:

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

294 2. A conviction of a felony or other qualified offense
295 necessary to the operation of this paragraph has not been set
296 aside in any postconviction proceeding.

297 (b) This section does not apply to any person who has been
298 designated as a sexual predator and who is required to register
299 under s. 775.21 or who is required to register as a sexual
300 offender under s. 943.0435 or s. 944.607. However, if a person
301 is no longer required to register as a sexual predator under s.
302 775.21 or as a sexual offender under s. 943.0435 or s. 944.607,
303 the person must register as a career offender under this section
304 if the person is otherwise designated as a career offender as
305 provided in this section.

306 (c) A person subject to registration as a career offender
307 is not subject to registration as a convicted felon under s.
308 775.13. However, if the person is no longer required to register
309 as a career offender under this section, the person must
310 register under s. 775.13 if required to do so under that
311 section.

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

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clearly marked, "Career Offender Registration."

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

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

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

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

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

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

341 (b) Provide his or her name; ~~social security number;~~
342 ~~age;~~ ~~race;~~ ~~sex;~~ ~~gender;~~ date of birth; ~~height;~~ ~~weight;~~ ~~hair~~
343 and eye color; ~~tattoos or other identifying marks;~~ fingerprints;
344 palm prints; ~~photograph;~~ employment information, including
345 occupation, business name, employment address, and telephone
346 number; address of permanent or legal residence and address of
347 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)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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407 community, including a career offender under the supervision of
 408 the Department of Corrections pursuant to s. 944.608, shall
 409 report register in person at a driver license office of the
 410 Department of Highway Safety and Motor Vehicles, unless a driver
 411 license or identification card that complies with s. 322.141(3)
 412 was previously secured or updated under s. 944.608 and shall
 413 present proof of registration. At the driver license office, the
 414 career offender shall:

415 1. If otherwise qualified, secure a Florida driver license,
 416 renew a Florida driver license, or secure an identification
 417 card. The career offender shall identify himself or herself as a
 418 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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436 ~~the vehicle identification number; the license tag number; the~~
 437 ~~motor vehicle registration number; and a description, including~~
 438 ~~color scheme, of the motor vehicle, trailer, mobile home, or~~
 439 ~~manufactured home. If a career offender's place of residence is~~
 440 ~~a vessel, live aboard vessel, or houseboat, as defined in~~
 441 ~~chapter 327, the career offender shall also provide to the~~
 442 ~~Department of Highway Safety and Motor Vehicles the hull~~
 443 ~~identification number; the manufacturer's serial number; the~~
 444 ~~name of the vessel, live aboard vessel, or houseboat; the~~
 445 ~~registration number; and a description, including color scheme,~~
 446 ~~of the vessel, live aboard vessel, or houseboat.~~

447 2. Pay the costs assessed by the Department of Highway
 448 Safety and Motor Vehicles for issuing or renewing a driver
 449 license or identification card as required by this section. The
 450 driver license or identification card issued must be in
451 compliance with s. 322.141(3).

452 3. Provide, upon request, any additional information
 453 necessary to confirm the identity of the career offender,
 454 including a set of fingerprints.

455 (5) MAINTAINING REGISTRATION.—

456 (a) (d) Each time a career offender's driver license or
457 identification card is subject to renewal, and, without regard
458 to the status of the career offender's driver license or
459 identification card, within 48 hours 2 working days after any
460 change of the career offender's residence or change in the
461 career offender's name by reason of marriage or other legal
462 process, the career offender must report in person to a driver
463 license office, and shall be subject to the requirements
464 specified in paragraph (4) (d) (e). The Department of Highway

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465 Safety and Motor Vehicles shall forward to the department and to
 466 the Department of Corrections all photographs and information
 467 provided by career offenders. Notwithstanding the restrictions
 468 set forth in s. 322.142, the Department of Highway Safety and
 469 Motor Vehicles may release a reproduction of a color-photograph
 470 or digital-image license to the department for purposes of
 471 public notification of career offenders as provided in this
 472 section and ss. 775.26 and 944.609. A career offender who is
 473 unable to secure or update a driver license or an identification
 474 card with the Department of Highway Safety and Motor Vehicles as
 475 provided in paragraph (4)(d) and this subsection shall report
 476 any change in the career offender's name by reason of marriage
 477 or other legal process within 48 hours after the change in
 478 person to the sheriff's office in the county where the career
 479 offender resides or is located. The reporting requirements under
 480 this paragraph do not negate the requirement for a career
 481 offender to obtain a Florida driver license or an identification
 482 card as required in this section.

483 (b) A career offender shall report in person to the
 484 sheriff's office within 48 hours after any change in vehicles
 485 owned to report those vehicle information changes.

486 (c) A career offender shall register all changes to his or
 487 her home telephone numbers and cellular telephone numbers,
 488 including added and deleted numbers, and all changes to
 489 employment information, including the creation of a new business
 490 if self-employed, in person at the sheriff's office, or in
 491 person at the Department of Corrections if the career offender
 492 is in the custody or control, or under the supervision, of the
 493 Department of Corrections. All changes required to be reported

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494 under this paragraph must be reported within 48 hours after the
 495 change.

496 (d) If the career offender is in the custody of a local
 497 jail, the custodian of the local jail shall notify the
 498 department within 3 business days after intake of the career
 499 offender for any reason and upon release. The custodian of the
 500 local jail shall also take a digitized photograph of the career
 501 offender while the career offender remains in custody and shall
 502 provide the digitized photograph to the department. The
 503 custodian shall notify the department if the career offender
 504 escapes from custody or dies.

505 (6) ESTABLISHING A RESIDENCE WITHIN THIS STATE AFTER
 506 INITIAL REGISTRATION.—

507 (a) Each time a career offender's driver license or
 508 identification card is subject to renewal, and, without regard
 509 to the status of the career offender's driver license or
 510 identification card, within 48 hours after any change in the
 511 career offender's permanent, temporary, or transient residence,
 512 the career offender must report in person to a driver license
 513 office and shall be subject to the requirements specified in
 514 paragraph (4)(d). The Department of Highway Safety and Motor
 515 Vehicles shall forward to the department and to the Department
 516 of Corrections all photographs and information provided by
 517 career offenders. Notwithstanding the restrictions set forth in
 518 s. 322.142, the Department of Highway Safety and Motor Vehicles
 519 may release a reproduction of a color-photograph or digital-
 520 image license to the department for purposes of public
 521 notification of career offenders as provided in this section and
 522 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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639 color, vehicle identification number (VIN), and license tag
 640 number of all vehicles owned; and all home telephone numbers and
 641 cellular telephone numbers. A post office box may not be
 642 provided in lieu of a physical residential address. The career
 643 offender shall also produce his or her passport, if he or she
 644 has a passport, and, if he or she is an alien, shall produce or
 645 provide information about documents establishing his or her
 646 immigration status. The career offender shall also provide
 647 information about any professional licenses he or she has.

648 2. If the career offender's place of residence is a motor
 649 vehicle, trailer, mobile home, or manufactured home, as those
 650 terms are defined in chapter 320, the career offender shall also
 651 provide the vehicle identification number (VIN); the license tag
 652 number; the registration number; and a description, including
 653 color scheme, of the motor vehicle, trailer, mobile home, or
 654 manufactured home. If the career offender's place of residence
 655 is a vessel, live-aboard vessel, or houseboat, as those terms
 656 are defined in chapter 327, the career offender shall also
 657 provide the hull identification number; the manufacturer's
 658 serial number; the name of the vessel, live-aboard vessel, or
 659 houseboat; the registration number of the vessel, live-aboard
 660 vessel, or houseboat; and a description, including color scheme,
 661 of the vessel, live-aboard vessel, or houseboat.

662 (c) The sheriff's office shall electronically submit to and
 663 update with the department, in a manner prescribed by the
 664 department, all such information provided by the career offender
 665 within 2 business days after the career offender provides it to
 666 the sheriff's office.

667 (9) VERIFICATION.—County and local law enforcement

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668 agencies, in conjunction with the department, shall verify the
 669 addresses of career offenders who are not under the care,
 670 custody, control, or supervision of the Department of
 671 Corrections at least one time per calendar year, and may verify
 672 the addresses of career offenders who are under the care,
 673 custody, control, or supervision of the Department of
 674 Corrections. Local law enforcement agencies shall report to the
 675 department any failure by a career offender to comply with
 676 registration requirements.

677 (h)1. The department shall maintain online computer access
 678 to the current information regarding each registered career
 679 offender. The department must maintain hotline access so that
 680 state, local, and federal law enforcement agencies may obtain
 681 instantaneous locator file and criminal characteristics
 682 information on release and registration of career offenders for
 683 purposes of monitoring, tracking, and prosecution. The
 684 photograph and fingerprints need not be stored in a computerized
 685 format.

686 2. The department's career offender registration list,
 687 containing the information described in subparagraph (a)1., is a
 688 public record. The department may disseminate this public
 689 information by any means deemed appropriate, including operating
 690 a toll-free telephone number for this purpose. When the
 691 department provides information regarding a career offender to
 692 the public, department personnel must advise the person making
 693 the inquiry that positive identification of a person believed to
 694 be a career offender cannot be established unless a fingerprint
 695 comparison is made, and that it is illegal to use public
 696 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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727 ~~department and the state attorney in the circuit in which the~~
 728 ~~petition is filed must be given notice of the petition at least~~
 729 ~~3 weeks before the hearing on the matter. The department and the~~
 730 ~~state attorney may present evidence in opposition to the~~
 731 ~~requested relief or may otherwise demonstrate the reasons why~~
 732 ~~the petition should be denied. If the court denies the petition,~~
 733 ~~the court may set a future date at which the registered career~~
 734 ~~offender may again petition the court for relief, subject to the~~
 735 ~~standards for relief provided in this subsection paragraph.~~

736 ~~(c) The department shall remove a person from~~
 737 ~~classification as a career offender for purposes of registration~~
 738 ~~if the person provides to the department a certified copy of the~~
 739 ~~court's written findings or order that indicates that the person~~
 740 ~~is no longer required to comply with the requirements for~~
 741 ~~registration as a career offender.~~

742 ~~(11)-(5) COMMUNITY AND PUBLIC NOTIFICATION.-~~
 743 ~~(a) Law enforcement agencies may inform the community and~~
 744 ~~the public of the presence of a career offender in the~~
 745 ~~community. Upon notification of the presence of a career~~
 746 ~~offender, the sheriff of the county or the chief of police of~~
 747 ~~the municipality where the career offender establishes or~~
 748 ~~maintains a permanent, or temporary, or transient residence may~~
 749 ~~notify the community and the public of the presence of the~~
 750 ~~career offender in a manner deemed appropriate by the sheriff or~~
 751 ~~the chief of police.~~

752 ~~(b) The sheriff or the police chief may coordinate the~~
 753 ~~community and public notification efforts with the department.~~
 754 ~~Statewide notification to the public is authorized, as deemed~~
 755 ~~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) ~~77~~ 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)(8) 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) (10) 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, to:~~

907 ~~(a) Withholds ~~Withheld~~ information from, or does not ~~fail~~~~
 908 ~~to~~ ~~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;~~

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 ~~commits a felony of the third degree, punishable as provided in~~
 921 ~~s. 775.082, s. 775.083, or s. 775.084.~~

922 Section 3. Section 944.608, Florida Statutes, is amended to
 923 read:

924 944.608 Notification to Department of Law Enforcement of
 925 information on career offenders.—

926 ~~(1) As used in this section, the term:~~
 927 ~~(a) "Career offender" means a person who is in the custody~~

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929 or control of, or under the supervision of, the department or is
 930 in the custody or control of, or under the supervision of, a
 931 contractor-operated correctional facility, and who is designated
 932 as a habitual violent felony offender, a violent career
 933 criminal, or a three-time violent felony offender under s.
 934 775.084 or as a prison releasee reoffender under s. 775.082(9).

935 (b) "Permanent residence," "temporary residence," and
 936 "transient residence" have the same meaning as provided in s.
 937 775.261.

938 (c) "Professional license" has the same meaning as provided
 939 in s. 775.261.

940 (d) "Vehicles owned" has the same meaning as provided in s.
 941 775.261.

942 (2) If a career offender is not sentenced to a term of
 943 imprisonment, the clerk of the court shall ensure that the
 944 career offender's fingerprints are taken and forwarded to the
 945 Department of Law Enforcement within 48 hours after the court
 946 sentences the career offender. The fingerprints shall be clearly
 947 marked "Career Offender Registration."

948 (3) A career offender, as described in this section, who is
 949 under the supervision of the department but is not incarcerated
 950 must register with the department within 3 business days after
 951 sentencing and provide information as required by this
 952 subsection.

953 (a) The career offender shall provide his or her name; date
 954 of birth; social security number; race; sex gender; date of
 955 birth; height; weight; hair and eye color; tattoos or other
 956 identifying marks; employment information required to be
 957 provided pursuant to s. 775.261; and permanent or legal

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958 residence and address of temporary residence within the state or
 959 out of state while the career offender is under supervision in
 960 this state, including any rural route address and a ~~or~~ post
 961 office box; if no permanent or temporary address, any transient
residence within this state; and address, location or
 962 description, and dates of any current or known future temporary
 963 residence within this state or out of state; the make, model,
 964 color, vehicle identification number (VIN), and license tag
 965 number of all vehicles owned; and all home telephone numbers and
 966 cellular telephone numbers required to be provided pursuant to
 967 s. 775.261. The career offender shall also produce his or her
 968 passport, if he or she has a passport, and, if he or she is an
 969 alien, shall produce or provide information about documents
 970 establishing his or her immigration status. The career offender
 971 shall also provide information about any professional licenses
 972 he or she has. The department shall verify the address of each
 973 career offender in the manner described in s. 775.261. The
 974 department shall report to the Department of Law Enforcement any
 975 failure by a career offender to comply with any registration
 976 requirements.

977 (b) A career offender shall report in person to the
 978 sheriff's office within 48 hours after any change in vehicles
 979 owned to report those vehicle information changes.

980 (4) In addition to notification and transmittal
 981 requirements imposed by any other provision of law, the
 982 department shall compile information on any career offender and
 983 provide the information to the Department of Law Enforcement.
 984 The information shall be made available electronically to the
 985 Department of Law Enforcement as soon as this information is in

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987 the department's database and must be in a format that is
 988 compatible with the requirements of the Florida Crime
 989 Information Center.

990 (5) The information provided to the Department of Law
 991 Enforcement must include:

992 (a) The information obtained from the career offender under
 993 subsection (3);

994 (b) The career offender's most current address and ~~place of~~
 995 permanent, ~~and temporary, or transient~~ residence or residences
 996 within the state or out of state, ~~the address, location or~~
 997 ~~description, and dates of any known future temporary residence~~
 998 within this state or out of state while the career offender is
 999 under supervision in this state, ~~including the name of the~~
 1000 ~~county or municipality in which the career offender permanently~~
 1001 ~~or temporarily resides and, if known, the intended place of~~
 1002 ~~permanent, or temporary, or transient~~ residence or residences
 1003 and the address, location or description, and dates of any
 1004 current or known future temporary residence within this state or
 1005 out of state upon satisfaction of all sanctions;

1006 (c) The legal status of the career offender and the
 1007 scheduled termination date of that legal status;

1008 (d) The location of, and local telephone number for, any
 1009 Department of Corrections' office that is responsible for
 1010 supervising the career offender; and

1011 (e) A digitized photograph of the career offender, which
 1012 must have been taken within 60 days before the career offender
 1013 is released from the custody of the department or a contractor-
 1014 operated correctional facility or within 60 days after the onset
 1015 of the department's supervision of any career offender who is on

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1016 probation, community control, conditional release, parole,
 1017 provisional release, or control release. If the career offender
 1018 is in the custody ~~or control of, or under the supervision of,~~ a
 1019 contractor-operated correctional facility, the facility shall
 1020 take a digitized photograph of the career offender within the
 1021 time period provided in this paragraph and shall provide the
 1022 photograph to the department.

1023 (6) (a) The department shall notify the Department of Law
 1024 Enforcement if the career offender escapes, absconds, or dies
 1025 while in the custody or control of, or under the supervision of,
 1026 the department.

1027 (b) If any information provided by the department changes
 1028 during the time the career offender is under the department's
 1029 custody, control, or supervision, including any change in the
 1030 career offender's name by reason of marriage or other legal
 1031 process, the department shall, in a timely manner, update the
 1032 information and provide it to the Department of Law Enforcement
 1033 in the manner prescribed in subsection (4).

1034 (7) If the career offender is in the custody of a local
 1035 jail, the custodian of the local jail shall notify the
 1036 Department of Law Enforcement within 3 business days after
 1037 intake of the offender for any reason and upon release, and
 1038 shall forward the information to the Department of Law
 1039 Enforcement. The custodian of the local jail shall also take a
 1040 digitized photograph of the career offender while the career
 1041 offender remains in custody and shall provide the digitized
 1042 photograph to the Department of Law Enforcement.

1043 (8) If the career offender is under federal supervision,
 1044 the federal agency responsible for supervising the career

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1045 offender may forward to the Department of Law Enforcement any
 1046 information regarding the career offender which is consistent
 1047 with the information provided by the department under this
 1048 section, and may indicate whether use of the information is
 1049 restricted to law enforcement purposes only or may be used by
 1050 the Department of Law Enforcement for purposes of public
 1051 notification.

1052 (9) (7) A career offender, as described in this section, who
 1053 is under the supervision of the department but who is not
 1054 incarcerated shall, in addition to the registration requirements
 1055 provided in subsection (3), register and obtain a distinctive
 1056 driver license or identification card in the manner provided in
 1057 s. 775.261 s. 775.261(4) (e), unless the career offender is a
 1058 sexual predator, in which case he or she shall register as
 1059 required under s. 775.21, or is a sexual offender, in which case
 1060 he or she shall register as required in s. 943.0435 or s.
 1061 944.607. A career offender who fails to comply with the
 1062 requirements of s. 775.261 s. 775.261(4) is subject to the
 1063 penalties provided in s. 775.261(13) s. 775.261(8).

1064 (10) (a) (8) The failure of a career offender to submit to
 1065 the taking of a digitized photograph, or to otherwise comply
 1066 with the requirements of this section, is a felony of the third
 1067 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1068 775.084.

1069 (b) A career offender who commits any act or omission in
 1070 violation of this section may be prosecuted for the act or
 1071 omission in the county in which the act or omission was
 1072 committed, in the county of the last registered address of the
 1073 career offender, in the county in which the conviction occurred

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1074 for the offense or offenses that meet the criteria for
 1075 designating a person as a career offender, in the county in
 1076 which he or she was designated a career offender, in the county
 1077 where the career offender was released from incarceration, or in
 1078 the county of the intended address of the career offender as
 1079 reported by the offender before his or her release from
 1080 incarceration.

1081 (c) An arrest on charges of failure to register when the
 1082 offender has been provided and advised of his or her statutory
 1083 obligations to register under s. 775.261, the service of an
 1084 information or a complaint for a violation of this section, or
 1085 an arraignment on charges for a violation of this section
 1086 constitutes actual notice of the duty to register. A career
 1087 offender's failure to register immediately as required by this
 1088 section following such arrest, service, or arraignment
 1089 constitutes grounds for a subsequent charge of failure to
 1090 register. A career offender charged with the crime of failure to
 1091 register who asserts, or intends to assert, a lack of notice of
 1092 the duty to register as a defense to a charge of failure to
 1093 register shall register immediately as required by this section.
 1094 A career offender who is charged with a subsequent failure to
 1095 register may not assert the defense of a lack of notice of the
 1096 duty to register.

1097 (d) Registration following such arrest, service, or
 1098 arraignment is not a defense and does not relieve the career
 1099 offender of criminal liability for the failure to register.

1100 (11) (9) The department, the Department of Highway Safety
 1101 and Motor Vehicles, the Department of Law Enforcement, personnel
 1102 of those departments, and any individual or entity acting at the

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1103 request or upon the direction of those departments are immune
 1104 from civil liability for damages for good faith compliance with
 1105 this section, and shall be presumed to have acted in good faith
 1106 in compiling, recording, reporting, or providing information.
 1107 The presumption of good faith is not overcome if technical or
 1108 clerical errors are made by the department, the Department of
 1109 Highway Safety and Motor Vehicles, the Department of Law
 1110 Enforcement, personnel of those departments, or any individual
 1111 or entity acting at the request or upon the direction of those
 1112 departments in compiling, recording, reporting, or providing
 1113 information, or, if the information is incomplete or incorrect
 1114 because the information has not been provided by a person or
 1115 agency required to provide the information, or because the
 1116 information was not reported or was falsely reported.

1117 (12) Any person who has reason to believe that a career
 1118 offender is not complying, or has not complied, with the
 1119 requirements of this section and who, with the intent to assist
 1120 the career offender in eluding a law enforcement agency that is
 1121 seeking to find the career offender to question the career
 1122 offender about, or to arrest the career offender for, his or her
 1123 noncompliance with the requirements of this section:

1124 (a) Withholds information from, or does not notify, the law
 1125 enforcement agency about the career offender's noncompliance
 1126 with the requirements of this section, and, if known, the
 1127 whereabouts of the career offender;

1128 (b) Harbors or attempts to harbor, or assists another
 1129 person in harboring or attempting to harbor, the career
 1130 offender;

1131 (c) Conceals or attempts to conceal, or assists another

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1132 person in concealing or attempting to conceal, the career
 1133 offender; or
 1134 (d) Provides information to the law enforcement agency
 1135 regarding the career offender which the person knows to be false
 1136 information,

1137 commits a felony of the third degree, punishable as provided in
 1138 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
 1139 apply if the career offender is incarcerated in or is in the
 1140 custody of a state correctional facility, a contractor-operated
 1141 correctional facility, a local jail, or a federal correctional
 1142 facility.

1143 (13) (a) A career offender must report in person each year
 1144 during the month of the career offender's birthday to the
 1145 sheriff's office in the county in which he or she maintains a
 1146 permanent, temporary, or transient residence or is otherwise
 1147 located to reregister.

1148 (b) The sheriff's office may determine the appropriate
 1149 times and days for reporting by the career offender, which must
 1150 be consistent with the reporting requirements of this
 1151 subsection. Reregistration must include any changes to the
 1152 following information:

1153 1. Name; social security number; race; sex; date of birth;
 1154 height; weight; hair and eye color; tattoos or other identifying
 1155 marks; fingerprints; palm prints; photograph; employment
 1156 information required to be provided pursuant to s. 775.261;
 1157 address of permanent residence and address of any current
 1158 temporary residence, within the state or out of state, including
 1159 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 33-00689D-26
 1249 post office box; if no permanent or temporary address, any
 1250 transient residence within this state; address, location or
 1251 description, and dates of any current or known future temporary
 1252 residence within this state or out of state; date and county of
 1253 sentence and each crime for which the career offender was
 1254 sentenced; a copy of the career offender's fingerprints, palm
 1255 prints, and a digitized photograph taken within 60 days before
 1256 release; the date of release of the career offender; employment
 1257 information, if known, required to be provided pursuant to s.
 1258 775.261; all home telephone numbers and cellular telephone
 1259 numbers required to be provided pursuant to s. 775.261;
 1260 information about any professional licenses the career offender
 1261 has, if known; and passport information, if he or she has a
 1262 passport, and, if he or she is an alien, information about the
 1263 documents establishing his or her immigration status and the
 1264 career offender's intended residence address, if known. The
 1265 department shall notify the Department of Law Enforcement if the
 1266 career offender escapes, absconds, or dies. If the career
 1267 offender is in the custody of a contractor-operated correctional
 1268 facility, the facility shall take the digitized photograph of
 1269 the career offender within 60 days before the career offender's
 1270 release and provide this photograph to the Department of
 1271 Corrections and also place it in the career offender's file. If
 1272 the career offender is in the custody of a local jail, the
 1273 custodian of the local jail shall notify the Department of Law
 1274 Enforcement within 3 business days after intake of the offender
 1275 for any reason and upon of the career offender's release, and
 1276 provide to the Department of Law Enforcement the information
 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 either within 6 months prior to the anticipated release of a
 1297 career offender or as soon as possible if a career offender is
 1298 released earlier than anticipated. All such information provided
 1299 to the Department of Law Enforcement must be available
 1300 electronically as soon as the information is in the agency's
 1301 database and must be in a format that is compatible with the
 1302 requirements of the Florida Crime Information Center.

1303 (c) Upon request, the department must provide the
 1304 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 either within 6 months prior to the anticipated release of a
 1312 career offender or as soon as possible if a career offender is
 1313 released earlier than anticipated.

1314 (d) Upon receiving information regarding a career offender
 1315 from the department, the Department of Law Enforcement, the
 1316 sheriff, or the chief of police shall provide the information
 1317 described in subparagraph (a)1. to any individual who requests
 1318 such information and may release the information to the public
 1319 in any manner deemed appropriate, unless the information is
 1320 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of
 1321 the State Constitution.

1322 (4) This section authorizes the department or any law
 1323 enforcement agency to ~~may~~ notify the community and the public of
 1324 a career offender's presence in the community. However, with
 1325 respect to a career offender who has been found to be a sexual
 1326 predator under s. 775.21, the Department of Law Enforcement or
 1327 any other law enforcement agency must inform the community and
 1328 the public of the sexual predator's ~~career offender's~~ presence
 1329 in the community, as provided in s. 775.21.

1330 (5) An elected or appointed official, public employee,
 1331 school administrator or employee, or agency, or any individual
 1332 or entity acting at the request or upon the direction of any law
 1333 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.

01/26/2026

Meeting Date
Criminal Justice

Committee
Name Will Grissom

Address 2331 Phillips Rd
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. [2020-2022JointRules.pdf](#) (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

SB 1332

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-410-7000

Email williamgrissom@fdle.state.fl.us

January 26, 2026

The Florida Senate

APPEARANCE RECORD

1332

Meeting Date

Criminal Justice

Bill Number or Topic

Committee

Name **Barney Bishop**

Amendment Barcode (if applicable)

8505109922

Phone

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](https://fisenate.gov/2020-2022JointRules.pdf) (fisenate.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 1660

INTRODUCER: Senator Martin

SUBJECT: Responsible Firearm Safety Awareness Month

DATE: January 23, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Denson	Stokes	CJ	Favorable
2.		GO	
3.		RC	

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.¹

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,² 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)

¹ 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).

² Section 790.06(h).1.-7., F.S.

grant program for local law enforcement agencies to provide firearm safety training.³ Local governments, such as the Citrus County⁴ and Hendry County⁵ 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.⁶ 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.⁷

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.

³ Chapter 2023-18, LOF

⁴ Citrus County Sheriff's Office. *Firearm safety course*, available at https://www.sheriffcitrus.org/programs__services/firearm_safety_course.php (last visited 1/22/2026).

⁵ Hendry County Sheriff's Office. *Public Firearms Courses*, available at <https://www.hendrysheriff.org/publicFirearmsCourses> (last visited 1/22/2026).

⁶ 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).

⁷ Citrus County Sheriff's Office. *Firearm safety course*, available at 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.

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

By Senator Martin

33-00215A-26

20261660

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

12 Section 1. Section 683.338, Florida Statutes, is created to
13 read:

14 683.338 Responsible Firearm Safety Awareness Month.—
15 (1) The Legislature designates the month of June as
16 “Responsible Firearm Safety Awareness Month” to recognize the
17 importance of safe and responsible firearm use and ownership,
18 while honoring the guarantees of the Second Amendment to the
19 United States Constitution and of s. 8, Art. I of the State
20 Constitution.

21 (2) The Department of Law Enforcement, local governments,
22 and other agencies and organizations are encouraged to sponsor
23 events that promote public awareness on the dangers of firearms
24 and educate the public through voluntary training and safety
25 demonstrations.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1734

INTRODUCER: Senator Martin

SUBJECT: Juvenile Justice

DATE: January 23, 2026

REVISED: _____

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

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.”¹

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.²
- 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.³

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.⁴

¹ Section 112.193(2), F.S.

² Section 112.193(3), F.S.

³ *Id.*

⁴ *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.⁵

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.⁶

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.⁷

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 \$250.⁸

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.⁹

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;¹⁰

⁵ Section 14.33(1), F.S.

⁶ Section 14.33(2), F.S.

⁷ Section 112.194(1), F.S.

⁸ Section 112.194(2), F.S.

⁹ Section 112.19(2)(a), F.S.

¹⁰ 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;¹¹
- At the scene of a traffic accident to which the officer has responded;¹² or
- While the officer is enforcing what is reasonably believed to be a traffic law or ordinance.¹³

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.¹⁴

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,¹⁵ 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.¹⁶

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;¹⁷ 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.¹⁸

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:

¹¹ Section 112.19(2)(b)2., F.S.

¹² Section 112.19(2)(b)3., F.S.

¹³ Section 112.19(2)(b)4., F.S.

¹⁴ Section 112.19(2)(e), F.S.

¹⁵ Section 112.19(2)(c), F.S.

¹⁶ Section 112.19(2)(d), F.S.

¹⁷ Section 112.19(2)(f)1., F.S.

¹⁸ 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;¹⁹ 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.²⁰

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.²¹

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.²²

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

¹⁹ Section 112.19(2)(g)1., F.S.

²⁰ Section 112.19(2)(g)2., F.S.

²¹ Section 112.19(2)(h)1., F.S.

²² 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 (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.²³

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 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.

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.²⁴

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.

²³ Section 984.09, F.S.

²⁴ 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.

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

By Senator Martin

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

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790.233(3), F.S., relating to screening for sexually
transmissible disease, inapplicability of ch. 493,
F.S., violation of an injunction for protection
against domestic violence, 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, and
possession of firearm or ammunition prohibited when
person is subject to an injunction against committing
acts of domestic violence, stalking, or cyberstalking,
and penalties, to incorporate the amendment made to s.
943.10, F.S., in references thereto; reenacting ss.
39.01(1) and (37)(e), 44.1011(2)(d), 44.102(2)(d),
984.04(1), 984.071(1), 984.10(1) and (2), 984.12,
984.13(3), and 985.03(23), F.S., relating to
definitions in proceedings relating to children,
definitions in dependency mediation, court-ordered
mediation, early truancy intervention, families in
need of services and children in need of services,
procedures and jurisdiction, resources and
information, intake, case staffing, services and
treatment related to a family in need of services,
taking a child into custody, and definitions relating
to juvenile justice, respectively, to incorporate the
amendment made to s. 984.03, F.S., in references
thereto; reenacting ss. 984.03(33), 984.07(1), and
984.151(12), F.S., relating to definitions relating to
children and families in need of services, right to

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59 counsel, waiver, appointed counsel, compensation, and
60 early truancy intervention, truancy petition, and
61 judgment, respectively, to incorporate the amendment
62 made to s. 984.09, F.S., in references thereto;
63 providing an effective date.

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

67 Section 1. Subsection (1) of section 14.33, Florida
68 Statutes, is amended to read:

69 14.33 Medal of Heroism.—

70 (1) The Governor may award a Medal of Heroism of
71 appropriate design, with ribbons and appurtenances, to a law
72 enforcement, correctional, ~~or~~ correctional probation officer,
73 juvenile detention officer, or juvenile probation officer, as
74 defined in s. 943.10(14); a firefighter, as defined in s.
75 112.191(1)(b); an emergency medical technician, as defined in s.
76 401.23; or a paramedic, as defined in s. 401.23. A recipient
77 must have distinguished himself or herself conspicuously by
78 gallantry and intrepidity, must have risked his or her life
79 deliberately above and beyond the call of duty while performing
80 duty in his or her respective position, and must have engaged in
81 hazardous or perilous activities to preserve lives with the
82 knowledge that such activities might result in great personal
83 harm.

84 Section 2. Section 112.19, Florida Statutes, is amended to
85 read:

86 112.19 Law enforcement, correctional, and correctional
87 probation officers; death benefits.—

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

89 (a) "Employer" means a state board, commission, department,
90 division, bureau, or agency, or a county, municipality, or other
91 political subdivision of the state, which employs, appoints, or
92 otherwise engages the services of law enforcement, correctional,
93 or correctional probation officers.

94 (b) "Fresh pursuit" means the pursuit of a person who has
95 committed or is reasonably suspected of having committed a
96 felony, misdemeanor, traffic infraction, or violation of a
97 county or municipal ordinance. The term does not imply instant
98 pursuit, but pursuit without unreasonable delay.

99 (c) "Insurance" means insurance procured from a stock
100 company or mutual company or association or exchange authorized
101 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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117 the state, certified pursuant to chapter 943, whose duties
 118 require such officer to serve process or to attend a session of
 119 a circuit or county court as bailiff.

120 (2)(a) The sum of \$75,000 must be paid as provided in this
 121 section when a law enforcement, correctional, or correctional
 122 probation officer, while engaged in the performance of the
 123 officer's law enforcement duties, is accidentally killed or
 124 receives accidental bodily injury which results in the loss of
 125 the officer's life, provided that such killing is not the result
 126 of suicide and that such bodily injury is not intentionally
 127 self-inflicted.

128 (b) The sum of \$75,000 must be paid as provided in this
 129 section if a law enforcement, correctional, or correctional
 130 probation officer is accidentally killed as specified in
 131 paragraph (a) and the accidental death occurs:

- 132 1. As a result of the officer's response to fresh pursuit;
- 133 2. As a result of the officer's response to what is
 134 reasonably believed to be an emergency;
- 135 3. At the scene of a traffic accident to which the officer
 136 has responded; or
- 137 4. While the officer is enforcing what is reasonably
 138 believed to be a traffic law or ordinance.

139 This sum is in addition to any sum provided for in paragraph
 140 (a).

142 (c) If a law enforcement, correctional, or correctional
 143 probation officer, while engaged in the performance of the
 144 officer's law enforcement duties, is unlawfully and
 145 intentionally killed or dies as a result of such unlawful and

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146 intentional act, the sum of \$225,000 must be paid as provided in
 147 this section.

148 (d) Such payments, pursuant to paragraphs (a), (b), and
 149 (c), whether secured by insurance or not, must be made to the
 150 beneficiary designated by such law enforcement, correctional, or
 151 correctional probation officer in writing, signed by the officer
 152 and delivered to the employer during the officer's lifetime. If
 153 no such designation is made, then the payments must be paid to
 154 the officer's surviving child or children and to the officer's
 155 surviving spouse in equal portions, and if there is no surviving
 156 child or spouse, then to the officer's parent or parents. If a
 157 beneficiary is not designated and there is no surviving child,
 158 spouse, or parent, then the sum must be paid to the officer's
 159 estate.

160 (e) Such payments, pursuant to paragraphs (a), (b), and
 161 (c), are in addition to any workers' compensation or retirement
 162 plan benefits and are exempt from the claims and demands of
 163 creditors of such law enforcement, correctional, or correctional
 164 probation officer.

165 (f) If a full-time law enforcement, correctional, or
 166 correctional probation officer who is certified pursuant to
 167 chapter 943 and employed by a state agency is killed in the line
 168 of duty while the officer is engaged in the performance of law
 169 enforcement duties or as a result of an assault against the
 170 officer under riot conditions:

171 1. The sum of \$10,000 must be paid, as provided for in
 172 paragraph (d), toward the funeral and burial expenses of such
 173 officer. Such benefits are in addition to any other benefits to
 174 which employee beneficiaries and dependents are entitled under

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

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175 the Workers' Compensation Law or any other state or federal
 176 statutes; and
 177 2. The officer's employing agency may pay up to \$5,000
 178 directly toward the venue expenses associated with the funeral
 179 and burial services of such officer.

180 (g) Any political subdivision of the state that employs a
 181 full-time law enforcement officer as defined in s. 943.10(1) or
 182 a full-time correctional officer as defined in s. 943.10(2) who
 183 is killed in the line of duty on or after July 1, 1993, as a
 184 result of an act of violence inflicted by another person while
 185 the officer is engaged in the performance of law enforcement
 186 duties or as a result of an assault against the officer under
 187 riot conditions shall pay the entire premium of the political
 188 subdivision's health insurance plan for the employee's surviving
 189 spouse until remarried, and for each dependent child of the
 190 employee until the child reaches the age of majority or until
 191 the end of the calendar year in which the child reaches the age
 192 of 25 if:

193 1. At the time of the employee's death, the child is
 194 dependent upon the employee for support; and

195 2. The surviving child continues to be dependent for
 196 support, or the surviving child is a full-time or part-time
 197 student and is dependent for support.

198 (h)1. Any employer who employs a full-time law enforcement,
 199 correctional, or correctional probation officer who, on or after
 200 January 1, 1995, suffers a catastrophic injury, as defined in s.
 201 440.02, Florida Statutes 2002, in the line of duty shall pay the
 202 entire premium of the employer's health insurance plan for the
 203 injured employee, the injured employee's spouse, and for each

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204 dependent child of the injured employee until the child reaches
 205 the age of majority or until the end of the calendar year in
 206 which the child reaches the age of 25 if the child continues to
 207 be dependent for support, or the child is a full-time or part-
 208 time student and is dependent for support. The term "health
 209 insurance plan" does not include supplemental benefits that are
 210 not part of the basic group health insurance plan. If the
 211 injured employee subsequently dies, the employer shall continue
 212 to pay the entire health insurance premium for the surviving
 213 spouse until remarried, and for the dependent children, under
 214 the conditions outlined in this paragraph. However:

215 a. Health insurance benefits payable from any other source
 216 shall reduce benefits payable under this section.

217 b. It is unlawful for a person to willfully and knowingly
 218 make, or cause to be made, or to assist, conspire with, or urge
 219 another to make, or cause to be made, any false, fraudulent, or
 220 misleading oral or written statement to obtain health insurance
 221 coverage as provided under this paragraph. A person who violates
 222 this sub subparagraph commits a misdemeanor of the first degree,
 223 punishable as provided in s. 775.082 or s. 775.083.

224 c. In addition to any applicable criminal penalty, upon
 225 conviction for a violation as described in sub subparagraph b.,
 226 a law enforcement, correctional, or correctional probation
 227 officer or other beneficiary who receives or seeks to receive
 228 health insurance benefits under this paragraph shall forfeit the
 229 right to receive such health insurance benefits, and shall
 230 reimburse the employer for all benefits paid due to the fraud or
 231 other prohibited activity. For purposes of this sub-
 232 subparagraph, the term "conviction" means a determination of

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233 guilt that is the result of a plea or trial, regardless of
 234 whether adjudication is withheld.

235 2. In order for the officer, spouse, and dependent children
 236 to be eligible for such insurance coverage, the injury must have
 237 occurred while the officer was in the line of duty or engaged in
 238 an official training exercise. Except as otherwise provided
 239 herein, this paragraph may not be construed to limit health
 240 insurance coverage for which the officer, spouse, or dependent
 241 children may otherwise be eligible, except that a person who
 242 qualifies under this section is not eligible for the health
 243 insurance subsidy provided under chapter 121, chapter 175, or
 244 chapter 185.

245 (i) The Bureau of Crime Prevention and Training within the
 246 Department of Legal Affairs shall adopt rules necessary to
 247 implement paragraphs (a), (b), and (c).

248 (3) If a law enforcement, correctional, or correctional
 249 probation officer is accidentally killed as specified in
 250 paragraph (2)(b) on or after June 22, 1990, but before July 1,
 251 2019, or unlawfully and intentionally killed as specified in
 252 paragraph (2)(c) on or after July 1, 1980, but before July 1,
 253 2019, the state must waive certain educational expenses that the
 254 child or spouse of the deceased officer incurs while obtaining a
 255 career certificate, an undergraduate education, or a
 256 postgraduate education. The amount waived by the state must be
 257 in an amount equal to the cost of tuition and matriculation and
 258 registration fees for a total of 120 credit hours. The child or
 259 spouse may attend a state career center, a Florida College
 260 System institution, or a state university on either a full-time
 261 or part-time basis. The benefits provided to a child under this

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262 subsection shall continue until the child's 25th birthday. The
 263 benefits provided to a spouse under this subsection must
 264 commence within 5 years after the death occurs, and entitlement
 265 thereto shall continue until the 10th anniversary of that death.

266 (a) Upon failure of any child or spouse who receives a
 267 waiver in accordance with this subsection to comply with the
 268 ordinary and minimum requirements regarding discipline and
 269 scholarship of the institution attended, such benefits must be
 270 withdrawn as to the child or spouse and no further moneys may be
 271 expended for the child's or spouse's benefits so long as such
 272 failure or delinquency continues.

273 (b) Only a student in good standing in his or her
 274 respective institution may receive the benefits provided in this
 275 subsection.

276 (c) A child or spouse receiving benefits under this
 277 subsection must be enrolled according to the customary rules and
 278 requirements of the institution attended.

279 (4)(a) The employer of such law enforcement, correctional,
 280 or correctional probation officer is liable for the payment of
 281 the sums specified in this section and is deemed self-insured,
 282 unless it procures and maintains, or has already procured and
 283 maintained, insurance to secure such payments. Any such
 284 insurance may cover only the risks indicated in this section, in
 285 the amounts indicated in this section, or it may cover those
 286 risks and additional risks and may be in larger amounts. Any
 287 such insurance must be placed by such employer only after public
 288 bid of such insurance coverage which must be awarded to the
 289 carrier making the lowest best bid.

290 (b) Payment of benefits to beneficiaries of state

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 291 employees, or of the premiums to cover the risk, under this
 292 section must be paid from existing funds otherwise appropriated
 293 to the department employing the law enforcement, correctional,
 294 or correctional probation officers.

295 (5) The State Board of Education shall adopt rules and
 296 procedures, and the Board of Governors shall adopt regulations
 297 and procedures, as are appropriate and necessary to implement
 298 the educational benefits provisions of this section.

299 (6) Notwithstanding any provision of this section to the
 300 contrary, the death benefits provided in paragraphs (2)(c) and
 301 (g) shall also be applicable and paid in cases where an officer
 302 received bodily injury before July 1, 1993, and subsequently
 303 died on or after July 1, 1993, as a result of such in-line-of-
 304 duty injury attributable to an unlawful and intentional act, or
 305 an act of violence inflicted by another, or an assault on the
 306 officer under riot conditions. Payment of such benefits must be
 307 in accordance with this section. This subsection may not be
 308 construed to limit death benefits for which those individuals
 309 listed in paragraph (2)(d) may otherwise be eligible.

310 Section 3. Paragraph (b) of subsection (1) and subsections
 311 (2) and (3) of section 112.193, Florida Statutes, are amended to
 312 read:

313 112.193 Law enforcement, correctional, and correctional
 314 probation, juvenile detention, and juvenile probation officers'
 315 commemorative service awards.-

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

317 (b) "Law enforcement, correctional, or correctional
 318 probation, juvenile detention, or juvenile probation officer"
 319 means any full-time, part-time, or auxiliary officer as defined

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 320 in s. 943.10(14).

321 (2) Each employer that employs or appoints law enforcement,
 322 correctional, ~~or~~ correctional probation, juvenile detention, or
 323 juvenile probation officers may present to each such employee
 324 who retires under any provision of a state or municipal
 325 retirement system, including medical disability retirement, or
 326 who is eligible to retire under any such provision but, instead,
 327 resigns from one employer to accept an elected public office,
 328 one complete uniform including the badge worn by that officer,
 329 the officer's service handgun, if one was issued as part of the
 330 officer's equipment, and an identification card clearly marked
 331 "RETIRED."

332 (3) Upon the death of a law enforcement, correctional, ~~or~~
 333 correctional probation, juvenile detention, or juvenile
 334 probation officer, the employer may present to the spouse or
 335 other beneficiary of the officer, upon request, one complete
 336 uniform, including the badge worn by the officer. However, if a
 337 law enforcement, correctional, ~~or~~ correctional probation,
 338 juvenile detention, or juvenile probation officer is killed in
 339 the line of duty, the employer may present, upon request, to the
 340 spouse or other beneficiary of the officer the officer's
 341 service-issued handgun, if one was issued as part of the
 342 officer's equipment. If the employer is not in possession of the
 343 service-issued handgun, the employer may, within its discretion,
 344 and upon written request of the spouse or other beneficiary,
 345 present a similar handgun. The provisions of this section shall
 346 also apply in that instance to a law enforcement or correctional
 347 officer who died before May 1, 1993. In addition, the officer's
 348 service handgun may be presented by the employer for any such

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349 officer who was killed in the line of duty prior to this act
 350 becoming a law.

351 Section 4. Subsections (1) and (3) of section 112.194,
 352 Florida Statutes, are amended to read:

353 112.194 Law enforcement and correctional, juvenile
 354 detention, and juvenile probation officers' Medal of Valor.—

355 (1) Any state board, commission, department, division,
 356 bureau, or agency, or any county or municipality that employs or
 357 appoints law enforcement officers, ~~or~~ correctional officers,
 358 juvenile detention officers, or juvenile probation officers, as
 359 defined in s. 943.10(14), may establish an award program to
 360 award a Medal of Valor to any such officer whose actions are
 361 extraordinary and expose the officer to peril beyond the call of
 362 duty.

363 (3) Upon the death of such a law enforcement officer ~~or~~
 364 correctional officer, juvenile detention officer, or juvenile
 365 probation officer, the employer may present the Medal of Valor
 366 posthumously to the officer's closest living relative.

367 Section 5. Paragraph (a) of subsection (1) of section
 368 787.035, Florida Statutes, is amended to read:

369 787.035 Sheltering unmarried minors; aiding unmarried minor
 370 runaways; violations.—

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

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378 Section 6. Subsection (14) of section 943.10, Florida
 379 Statutes, is amended, and new subsections (23) and (24) are
 380 added to that section, to read:

381 943.10 Definitions; ss. 943.085-943.255.—The following
 382 words and phrases as used in ss. 943.085-943.255 are defined as
 383 follows:

384 (14) "Officer" means any person employed or appointed as a
 385 full-time, part-time, or auxiliary law enforcement officer,
 386 correctional officer, ~~or~~ correctional probation officer,
 387 juvenile detention officer, or juvenile probation officer.

388 (23) "Juvenile detention officer" means an officer who is
 389 responsible for the direct supervision of youth who are held in
 390 secure detention.

391 (24) "Juvenile probation officer" means an authorized agent
 392 of the Department of Juvenile Justice who performs the intake,
 393 case management, or supervision functions.

394 Section 7. Subsection (15) of section 984.03, Florida
 395 Statutes, is amended to read:

396 984.03 Definitions.—When used in this chapter, the term:

397 (15) "Family in need of services" means a family that has a
 398 child who is running away; who is ungovernable and persistently
 399 disobeying reasonable and lawful demands of the parent, ~~or~~ legal
 400 guardian, or custodian and is beyond the control of the parent,
 401 ~~or~~ legal guardian, or custodian; or who is a habitual truant or
 402 engaging in other serious behaviors that place the child at risk
 403 of future abuse, neglect, or abandonment or at risk of entering
 404 the juvenile justice system. The child must be referred to a law
 405 enforcement agency, the department, or an agency contracted to
 406 provide services to children in need of services. A family is

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407 not eligible to receive voluntary family services if, at the
 408 time of the referral, the child is currently under court-ordered
 409 supervision by the department for delinquency under chapter 985
 410 or under court-ordered supervision by the Department of Children
 411 and Families under chapter 39.

412 Section 8. Subsection (2) of section 984.09, Florida
 413 Statutes, is amended to read:

414 984.09 Punishment for contempt of court; alternative
 415 sanctions.—

416 (2) PLACEMENT IN A SHELTER.—A child subject to proceedings
 417 under this chapter adjudicated as a child in need of services
 418 may only be placed in a shelter for purposes of punishment for
 419 contempt of court if alternative sanctions are unavailable or
 420 inappropriate, or if the child has already been ordered to serve
 421 an alternative sanction but failed to comply with the sanction.

422 Section 9. For the purpose of incorporating the amendment
 423 made by this act to section 112.19, Florida Statutes, in a
 424 reference thereto, paragraph (a) of subsection (1) of section
 425 112.1912, Florida Statutes, is reenacted to read:

426 112.1912 First responders; death benefits for educational
 427 expenses.—

428 (1) As used in this section, the term "first responder"
 429 means:

430 (a) A law enforcement, correctional, or correctional
 431 probation officer as defined in s. 112.19(1) who is killed as
 432 provided in s. 112.19(2) on or after July 1, 2019;

433 Section 10. For the purpose of incorporating the amendment
 434 made by this act to section 943.10, Florida Statutes, in a
 435 reference thereto, subsection (1) of section 384.287, Florida

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436 Statutes, is reenacted to read:

437 384.287 Screening for sexually transmissible disease.—
 438 (1) An officer as defined in s. 943.10(14); support
 439 personnel as defined in s. 943.10(11) who are employed by the
 440 Department of Law Enforcement, including, but not limited to,
 441 any crime scene analyst, forensic technologist, or crime lab
 442 analyst; firefighter as defined in s. 633.102; or ambulance
 443 driver, paramedic, or emergency medical technician as defined in
 444 s. 401.23, acting within the scope of employment, who comes into
 445 contact with a person in such a way that significant exposure,
 446 as defined in s. 381.004, has occurred may request that the
 447 person be screened for a sexually transmissible disease that can
 448 be transmitted through a significant exposure.

449 Section 11. For the purpose of incorporating the amendment
 450 made by this act to section 943.10, Florida Statutes, in a
 451 reference thereto, subsection (1) of section 493.6102, Florida
 452 Statutes, is reenacted to read:

453 493.6102 Inapplicability of this chapter.—This chapter
 454 shall not apply to:

455 (1) Any individual who is an "officer" as defined in s.
 456 943.10(14) or is a law enforcement officer of the United States
 457 Government, while such local, state, or federal officer is
 458 engaged in her or his official duties or when performing off-
 459 duty security activities approved by her or his superiors.

460 Section 12. For the purpose of incorporating the amendment
 461 made by this act to section 943.10, Florida Statutes, in a
 462 reference thereto, paragraph (b) of subsection (4) of section
 463 741.31, Florida Statutes, is reenacted to read:

464 741.31 Violation of an injunction for protection against

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465 domestic violence.—

466 (4)

467 (b)1. It is a violation of s. 790.233, and a misdemeanor of
468 the first degree, punishable as provided in s. 775.082 or s.
469 775.083, for a person to violate a final injunction for
470 protection against domestic violence by having in his or her
471 care, custody, possession, or control any firearm or ammunition.

472 2. It is the intent of the Legislature that the
473 disabilities regarding possession of firearms and ammunition are
474 consistent with federal law. Accordingly, this paragraph shall
475 not apply to a state or local officer as defined in s.
476 943.10(14), holding an active certification, who receives or
477 possesses a firearm or ammunition for use in performing official
478 duties on behalf of the officer's employing agency, unless
479 otherwise prohibited by the employing agency.

480 Section 13. For the purpose of incorporating the amendment
481 made by this act to section 943.10, Florida Statutes, in a
482 reference thereto, subsection (4) of section 782.07, Florida
483 Statutes, is reenacted to read:

484 782.07 Manslaughter; aggravated manslaughter of an elderly
485 person or disabled adult; aggravated manslaughter of a child;
486 aggravated manslaughter of an officer, a firefighter, an
487 emergency medical technician, or a paramedic.—

488 (4) A person who causes the death, through culpable
489 negligence, of an officer as defined in s. 943.10(14), a
490 firefighter as defined in s. 112.191, an emergency medical
491 technician as defined in s. 401.23, or a paramedic as defined in
492 s. 401.23, while the officer, firefighter, emergency medical
493 technician, or paramedic is performing duties that are within

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494 the course of his or her employment, commits aggravated
495 manslaughter of an officer, a firefighter, an emergency medical
496 technician, or a paramedic, a felony of the first degree,
497 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

498 Section 14. For the purpose of incorporating the amendment
499 made by this act to section 943.10, Florida Statutes, in a
500 reference thereto, subsection (3) of section 790.233, Florida
501 Statutes, is reenacted to read:

502 790.233 Possession of firearm or ammunition prohibited when
503 person is subject to an injunction against committing acts of
504 domestic violence, stalking, or cyberstalking; penalties.—

505 (3) It is the intent of the Legislature that the
506 disabilities regarding possession of firearms and ammunition are
507 consistent with federal law. Accordingly, this section does not
508 apply to a state or local officer as defined in s. 943.10(14),
509 holding an active certification, who receives or possesses a
510 firearm or ammunition for use in performing official duties on
511 behalf of the officer's employing agency, unless otherwise
512 prohibited by the employing agency.

513 Section 15. For the purpose of incorporating the amendment
514 made by this act to section 984.03, Florida Statutes, in
515 references thereto, subsection (1) and paragraph (e) of
516 subsection (37) of section 39.01, Florida Statutes, are
517 reenacted to read:

518 39.01 Definitions.—When used in this chapter, unless the
519 context otherwise requires:

520 (1) "Abandoned" or "abandonment" means a situation in which
521 the parent or legal custodian of a child or, in the absence of a
522 parent or legal custodian, the caregiver, while being able, has

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523 made no significant contribution to the child's care and
 524 maintenance or has failed to establish or maintain a substantial
 525 and positive relationship with the child, or both. For purposes
 526 of this subsection, "establish or maintain a substantial and
 527 positive relationship" includes, but is not limited to, frequent
 528 and regular contact with the child through frequent and regular
 529 visitation or frequent and regular communication to or with the
 530 child, and the exercise of parental rights and responsibilities.
 531 Marginal efforts and incidental or token visits or
 532 communications are not sufficient to establish or maintain a
 533 substantial and positive relationship with a child. A man's
 534 acknowledgment of paternity of the child does not limit the
 535 period of time considered in determining whether the child was
 536 abandoned. The term does not include a surrendered infant as
 537 described in s. 383.50, a "child in need of services" as defined
 538 in chapter 984, or a "family in need of services" as defined in
 539 chapter 984. The absence of a parent, legal custodian, or
 540 caregiver responsible for a child's welfare, who is a
 541 servicemember, by reason of deployment or anticipated deployment
 542 as defined in 50 U.S.C. s. 3938(e), may not be considered or
 543 used as a factor in determining abandonment. The incarceration,
 544 repeated incarceration, or extended incarceration of a parent,
 545 legal custodian, or caregiver responsible for a child's welfare
 546 may support a finding of abandonment.

547 (37) "Harm" to a child's health or welfare can occur when
 548 any person:

549 (e) Abandons the child. Within the context of the
 550 definition of "harm," the term "abandoned the child" or
 551 "abandonment of the child" means a situation in which the parent

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552 or legal custodian of a child or, in the absence of a parent or
 553 legal custodian, the caregiver, while being able, has made no
 554 significant contribution to the child's care and maintenance or
 555 has failed to establish or maintain a substantial and positive
 556 relationship with the child, or both. For purposes of this
 557 paragraph, "establish or maintain a substantial and positive
 558 relationship" includes, but is not limited to, frequent and
 559 regular contact with the child through frequent and regular
 560 visitation or frequent and regular communication to or with the
 561 child, and the exercise of parental rights and responsibilities.
 562 Marginal efforts and incidental or token visits or
 563 communications are not sufficient to establish or maintain a
 564 substantial and positive relationship with a child. The term
 565 "abandoned" does not include a surrendered infant as described
 566 in s. 383.50, a child in need of services as defined in chapter
 567 984, or a family in need of services as defined in chapter 984.
 568 The incarceration, repeated incarceration, or extended
 569 incarceration of a parent, legal custodian, or caregiver
 570 responsible for a child's welfare may support a finding of
 571 abandonment.

572 Section 16. For the purpose of incorporating the amendment
 573 made by this act to section 984.03, Florida Statutes, in a
 574 reference thereto, paragraph (d) of subsection (2) of section
 575 44.1011, Florida Statutes, is reenacted to read:

576 44.1011 Definitions.—As used in this chapter:

577 (2) "Mediation" means a process whereby a neutral third
 578 person called a mediator acts to encourage and facilitate the
 579 resolution of a dispute between two or more parties. It is an
 580 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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639 the information guide available to the parent.

640 Section 20. For the purpose of incorporating the amendment
641 made by this act to section 984.03, Florida Statutes, in
642 references thereto, subsections (1) and (2) of section 984.10,
643 Florida Statutes, are reenacted to read:

644 984.10 Intake.—

645 (1) Intake shall be performed by the department or the
646 department's authorized agent. A report alleging that a child is
647 from a family in need of services shall be made to the intake
648 office operating in the county in which the child is found or in
649 which the case arose. Any person or agency, including, but not
650 limited to, the parent, legal guardian, or custodian, the local
651 school district, a law enforcement agency, or the Department of
652 Children and Families, having knowledge of the facts may make a
653 report.

654 (2) A representative of the department shall make a
655 preliminary determination as to whether the report is complete.
656 The criteria for the completeness of a report with respect to a
657 child alleged to be from a family in need of services while
658 subject to compulsory school attendance shall be governed by s.
659 984.03. In any case in which the representative of the
660 department finds that the report is incomplete, the
661 representative of the department shall return the report without
662 delay to the person or agency originating the report or having
663 knowledge of the facts or to the appropriate law enforcement
664 agency having investigative jurisdiction and request additional
665 information in order to complete the report.

666 Section 21. For the purpose of incorporating the amendment
667 made by this act to section 984.03, Florida Statutes, in a

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668 reference thereto, section 984.12, Florida Statutes, is
669 reenacted to read:

670 984.12 Case staffing; services and treatment related to a
671 family in need of services.—

672 (1) The appropriate representative of the department shall
673 request a meeting of the family and child with a case staffing
674 committee to review the case of any family or child who the
675 department determines is in need of services if:

676 (a) The family or child is not in agreement with the
677 services or treatment offered;

678 (b) The family or child will not participate in the
679 services or treatment selected; or

680 (c) The representative of the department needs assistance
681 in developing an appropriate plan for services. The time and
682 place selected for the meeting shall be convenient for the child
683 and family.

684 (2) The composition of the case staffing committee shall be
685 based on the needs of the family and child. It shall include a
686 representative from the child's school district and a
687 representative of the department, and may include the
688 department's authorized agent and a supervisor of the
689 department's contracted provider; a representative from the area
690 of health, mental health, substance abuse, or social services; a
691 representative of the state attorney; a representative of law
692 enforcement; and any person recommended by the child, family, or
693 department. The child and the child's parent, legal guardian, or
694 custodian must be invited to attend the committee meeting.

695 (3) The case staffing committee shall:

696 (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

Page 25 of 29

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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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755 with a written report that details the reasons for the
 756 committee's decision to recommend, or decline to recommend, that
 757 the department file a petition alleging that the child is a
 758 child in need of services.

759 (11) The case staffing committee may reconvene from time to
 760 time as may be necessary to make adjustments to the plan.

761 Section 22. For the purpose of incorporating the amendment
 762 made by this act to section 984.03, Florida Statutes, in a
 763 reference thereto, subsection (3) of section 984.13, Florida
 764 Statutes, is reenacted to read:

765 984.13 Taking a child into custody.—

766 (3) If the child is taken into custody and is delivered to
 767 a shelter, the department's authorized agent shall review the
 768 facts and make such further inquiry as necessary to determine
 769 whether the child shall remain in shelter, receive voluntary
 770 family services that would allow the child alleged to be from a
 771 family in need of services to remain at home, or be released.

772 Section 23. For the purpose of incorporating the amendment
 773 made by this act to section 984.03, Florida Statutes, in a
 774 reference thereto, subsection (23) of section 985.03, Florida
 775 Statutes, is reenacted to read:

776 985.03 Definitions.—As used in this chapter, the term:

777 (23) "Family in need of services" has the same meaning as
 778 provided in s. 984.03.

779 Section 24. For the purpose of incorporating the amendment
 780 made by this act to section 984.09, Florida Statutes, in a
 781 reference thereto, subsection (33) of section 984.03, Florida
 782 Statutes, is reenacted to read:

783 984.03 Definitions.—When used in this chapter, the term:

Page 27 of 29

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784 (33) "Shelter" means a department-approved shelter facility
 785 for the temporary care of runaway children; for children placed
 786 for voluntary shelter respite upon request of the child or the
 787 child's parent, legal guardian, or custodian; or for placement
 788 of a child who has been adjudicated a child in need of services
 789 or who has been found in contempt of court under s. 984.09.
 790 Shelters must provide 24-hour continual supervision. A shelter
 791 must be licensed by the Department of Children and Families as a
 792 licensed child-caring agency.

793 Section 25. For the purpose of incorporating the amendment
 794 made by this act to section 984.09, Florida Statutes, in a
 795 reference thereto, subsection (1) of section 984.07, Florida
 796 Statutes, is reenacted to read:

797 984.07 Right to counsel; waiver; appointed counsel;
 798 compensation.—

799 (1) When a petition is filed alleging that a child is a
 800 child in need of services or if the child is subject to contempt
 801 proceedings under s. 984.09, the child must be represented by
 802 counsel at each court appearance. The court must appoint counsel
 803 unless the child is not indigent and has counsel present to
 804 represent the child or the record in that proceeding
 805 affirmatively demonstrates by clear and convincing evidence that
 806 the child knowingly and intelligently waived the right to
 807 counsel after being fully advised by the court of the nature of
 808 the proceedings and the dispositional alternatives available to
 809 the court. If the child waives counsel at any proceeding, the
 810 court shall advise the child with respect to the right to
 811 counsel at every subsequent hearing.

812 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

1/26/26

Meeting Date

SENATE CIVILIAN JUSTICE
Committee

APPEARANCE RECORD

Deliver both copies of this form to
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SB 1734

Bill Number or Topic

Amendment Barcode (if applicable)

Name CHRISTIAN MINOR

Phone (321) 223-4232

Address 2850 Pablo Ave

Street

Email _____

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:

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

January 26, 2026

Meeting Date
Criminal Justice

Committee

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:	
<input type="checkbox"/> I am appearing without compensation or sponsorship.	<input checked="" type="checkbox"/> I am a registered lobbyist, representing: Florida Smart Justice Alliance
<input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:	

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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1734

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8505109922**

Email **Barney@BarneyBishop.com**

The Florida Senate

APPEARANCE RECORD1/26/26

Meeting Date

Criminal Justice

Committee

Name Chris KlabanPhone (850) 717-2716Address 2737 Centerview Dr.
StreetEmail Christopher.Klaban@FLOJJ.GovCity TallahasseeState FLZip 32399Speaking: 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:Department of Juvenile Justice

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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: 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	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹

¹ 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;² or
- Solicits a person under 16 years to commit a lewd or lascivious act.³

An offender 18 years of age or older who commits lewd or lascivious conduct commits a second degree felony.⁴ An offender less than 18 years of age or older who commits lewd or lascivious conduct commits a third degree felony.⁵

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 exhibition⁶ commits a second degree felony.⁷

² Section (6)(a)1., F.S.

³ Section (6)(a)2., F.S.

⁴ Section (6)(b), F.S.

⁵ Section (6)(c), F.S.

⁶ Section 800.04(7)(b), F.S.

⁷ 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 exhibition⁸ commits a third degree felony.⁹

A mother breastfeeding her baby does not under any circumstance constitute a violation of this section.¹⁰

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.¹¹

Exposure of sexual organs is a first degree misdemeanor.¹² 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.¹³

Unnatural and lascivious act

A person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree.^{14,15}

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.

⁸ Section 800.03, F.S.

⁹ 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.

¹⁰ Section 800.04(8), F.S.

¹¹ Section 800.03, F.S.

¹² 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.

¹³ *Hoffman v. Carson*, 250 So 2d 891(Fla. 1971).

¹⁴ Section 800.02, F.S.

¹⁵ 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.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2026	.	
	.	
	.	
	.	

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Section 800.02, Florida Statutes, is repealed.

6 Section 2. Section 800.035, Florida Statutes, is created to
7 read:

8 800.035 Indecent exposure of sexual organs to a minor.-

9 (1) A person may not:

10 (a) Intentionally expose his or her sexual organ in a lewd



11 or lascivious manner while viewing a person who is younger than
12 16 years of age for the purpose of attaining sexual arousal or
13 gratification; or

14 (b) Intentionally perform any sexual act that does not
15 involve actual physical or sexual contact with the minor,
16 including, but not limited to, sadomasochistic abuse, sexual
17 bestiality, masturbation, or the simulation of any act involving
18 sexual activity, while viewing a person who is younger than 16
19 years of age for the purpose of attaining sexual arousal or
20 gratification.

21 (2) For the purposes of this section, the term "viewing"
22 means that the offender knows that a person younger than 16
23 years of age is present, and the offender is reasonably capable
24 of being seen by such person. The term does not require such
25 person to be aware of any specific conduct or to see the
26 offender's sexual organs.

27 (3) A person who violates subsection (1) commits the
28 offense of indecent exposure of sexual organs to a minor, a
29 felony of the third degree, punishable as provided in s.
30 775.082, s. 775.083, or 775.084.

31 (4) A person does not commit the offense of indecent
32 exposure of sexual organs to a minor if the person is either of
33 the following:

34 (a) A mother who is breastfeeding her baby.
35 (b) An individual who is nude in a place provided or set
36 apart for that purpose.

37 Section 3. Section 914.16, Florida Statutes, is amended to
38 read:

39 914.16 Child abuse and sexual abuse of victims under age 16



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40 or who have an intellectual disability; limits on interviews.—
41 The chief judge of each judicial circuit, after consultation
42 with the state attorney and the public defender for the judicial
43 circuit, the appropriate chief law enforcement officer, and any
44 other person deemed appropriate by the chief judge, shall order
45 reasonable limits on the number of interviews which a victim of
46 a violation of s. 794.011, s. 800.04, s. 827.03, or s.
47 847.0135(5) who is under 16 years of age or a victim of a
48 violation of s. 794.011, ~~s. 800.02~~, s. 800.03, or s. 825.102 who
49 has an intellectual disability as defined in s. 393.063 must
50 submit to for law enforcement or discovery purposes. To the
51 extent possible, the order must protect the victim from the
52 psychological damage of repeated interrogations while preserving
53 the rights of the public, the victim, and the person charged
54 with the violation.

55 Section 4. Paragraph (b) of subsection (7) of section
56 933.18, Florida Statutes, is amended to read:

57 933.18 When warrant may be issued for search of private
58 dwelling.—No search warrant shall issue under this chapter or
59 under any other law of this state to search any private dwelling
60 occupied as such unless:

61 (7) One or more of the following child abuse offenses is
62 being committed there:

63 ~~(b) Commission of an unnatural and lascivious act with a~~
64 ~~child, in violation of s. 800.02.~~

65
66 If, during a search pursuant to a warrant issued under this
67 section, a child is discovered and appears to be in imminent
68 danger, the law enforcement officer conducting such search may



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69 remove the child from the private dwelling and take the child
70 into protective custody pursuant to chapter 39. The term
71 "private dwelling" shall be construed to include the room or
72 rooms used and occupied, not transiently but solely as a
73 residence, in an apartment house, hotel, boardinghouse, or
74 lodginghouse. No warrant shall be issued for the search of any
75 private dwelling under any of the conditions hereinabove
76 mentioned except on sworn proof by affidavit of some creditable
77 witness that he or she has reason to believe that one of said
78 conditions exists, which affidavit shall set forth the facts on
79 which such reason for belief is based.

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

81
82 ===== T I T L E A M E N D M E N T =====
83 And the title is amended as follows:

84 Delete everything before the enacting clause
85 and insert:

86 A bill to be entitled
87 An act relating to indecent exposure of sexual organs
88 to minors; repealing s. 800.02, F.S., relating to
89 unnatural and lascivious acts; creating s. 800.035,
90 F.S.; prohibiting a person from intentionally exposing
91 or exhibiting his or her sexual organ in a lewd or
92 lascivious manner while viewing a person who is
93 younger than 16 years of age or performing specified
94 sexual acts while viewing a person who is younger than
95 16 years of age for a specified purpose; defining the
96 term "viewing"; providing a criminal penalty;
97 providing exceptions; amending ss. 914.16 and 933.18,



866418

98 F.S.; conforming cross-references; providing an
99 effective date.

By Senator Martin

33-00627-26

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

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:

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

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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

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January 26, 2026

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop**Deliver both copies of this form to
Senate professional staff conducting the meeting

1742

Bill Number or Topic

Amendment Barcode (if applicable)

8505109922

Phone

Address **1454 Vieux Carte Drive**

Email

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](#) (f1senate.gov)

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S-001 (08/10/2021)

1/26/26

Meeting Date

Criminal Justice

Committee

Name John Labriola

Address PO Box 650216
Street

Miami FL

33265

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:

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. 2020-2022JointRules.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

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

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

1660

Bill Number or Topic

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

Amendment Barcode (if applicable)

8505109922

Phone

Email **Barney@BarneyBishop.com**

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 1750

INTRODUCER: Senator Martin

SUBJECT: Criminal Sexual Conduct

DATE: January 23, 2026

REVISED: _____

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

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.¹ A person who violates this offense commits a second degree felony.²

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.³ 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.⁴ A person who violates this offense commits a third degree felony.⁵

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.⁶

Generally, the First Amendment does not protect child pornography. In *New York v. Ferber*,⁷ the Supreme Court of the United States recognized that states have a compelling interest in

¹ Section 827.071(3), F.S.

² A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

³ Section 827.071(4), F.S.

⁴ Section 827.071(5)(a), F.S.

⁵ 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.

⁶ Section 827.071(1)(b), F.S.

⁷ *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.”⁸

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.⁹ 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),¹⁰ 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,¹¹ 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 minor¹² 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.¹³

In 2002, the United States Supreme Court decided *Ashcroft v. Free Speech Coalition*,¹⁴ 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)

⁸ *Id.* at 763.

⁹ See *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002).

¹⁰ Pub. L. No. 104-208, s. 121.

¹¹ 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.).

¹² 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.).

¹³ 18 U.S.C. s. 2556(8) (1996 ed.).

¹⁴ 535 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).¹⁵

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.¹⁶ 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.¹⁷

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. . .”¹⁸ Courts have taken this dictum to suggest that the *Ashcroft* court would have deemed morphed child pornography as not protected by the First Amendment.¹⁹

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 2003.²⁰ 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.²¹

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.²² In *United States v. Bach*,²³ 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.²⁴ 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.”²⁵

¹⁵ 18 U.S.C. s. 2256(8) (1996 ed.).

¹⁶ *Ashcroft*, 535 U.S. at 256.

¹⁷ *Id.*

¹⁸ *Id.* at 242.

¹⁹ *McFadden v. Alabama*, 67 So. 3d 169, 181-182 (Ala. Crim. App. 2010).

²⁰ Pub. L. No. 108-21.

²¹ 18 U.S.C. s. 2256(8)(B).

²² 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).

²³ *United States v. Bach*, 400 F. 3d 622 (8th Cir. 2005).

²⁴ *Id.* at 625.

²⁵ *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.²⁶ 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.”²⁷

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.²⁸ The defendant moved to dismiss the charge, arguing that the definition of morphed child pornography was unconstitutionally overbroad.²⁹ The court noted that the image at issue was different from the one in *Bach* in that “no minor was sexually abused.”³⁰ 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.³¹

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.³² 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.³³

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 transmits³⁴ 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

²⁶ *Id.* at 632.

²⁷ *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”).

²⁸ 759 F. 3d 891 (8th Cir. 2014).

²⁹ *Id.*

³⁰ *Id.* at 895.

³¹ *Id.* at 896.

³² Section 827.072(2)(a), F.S.

³³ Section 827.072(1)(a), F.S.

³⁴ 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.³⁵

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 pornography³⁶ 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 abuse³⁷ 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.³⁸

In case of a third degree felony, the offense is reclassified to a second degree felony.³⁹

In the case of a second degree felony, the offense is reclassified to a first degree felony.^{40,41}

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.⁴² 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 ⁴³	10 years
Lewd or lascivious molestation of an elderly person or disabled person ⁴⁴	10 years
Use of a child in a sexual performance ⁴⁵	20 years

³⁵ Section 847.0135(2)(a)-(c), F.S.

³⁶ Section 775.0847(1)(b), F.S., defines "child pornography" to mean any image depicting a minor engaged in sexual conduct.

³⁷ 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.

³⁸ Section 775.0847(2), F.S.

³⁹ Section 775.0847(3)(a), F.S.

⁴⁰ Section 775.0847(3)(b), F.S.

⁴¹ 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.

⁴² Section 794.0116, F.S.

⁴³ Section 800.04(5), F.S.

⁴⁴ Section 825.0125(3), F.S.

⁴⁵ 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 ⁴⁶	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 ⁴⁷	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 ⁴⁸	10 years
Computer pornography ⁴⁹	10 years
Transmission of pornography by electronic device or equipment ⁵⁰	10 years
Selling or buying of minors ⁵¹	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.⁵² The U.S. Supreme Court's standard for determining what material is obscene has evolved over the years.⁵³

In 1973, the U.S. Supreme Court developed a three-prong test in *Miller v. California*,⁵⁴ 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

⁴⁶ Section 827.071(3), F.S.

⁴⁷ Section 827.071(4), F.S.

⁴⁸ Section 827.071(5)(a), F.S.

⁴⁹ Section 847.0135, F.S.

⁵⁰ Section 847.0137, F.S.

⁵¹ Section 847.0145, F.S.

⁵² *Roth v. U.S.*, S. Ct. 1304 (1957).

⁵³ See *Roth v. U.S.*, S. Ct. 1304 (1957); *A book named 'John Cleland's Memoirs of a Woman of Please,' et al., v. Attorney General of the Commonwealth of Massachusetts*, 86 S. Ct. 975 (1965); *Miller v. California*, 413 U.S. 15 (1973).

⁵⁴ *Miller v. California*, 413 U.S. 15 (1973).

- The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.⁵⁵

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.⁵⁶

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.⁵⁷ 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.⁵⁸

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.”⁵⁹

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.”⁶⁰ 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.⁶¹

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.⁶² The court found that the statutes were overbroad and reached far more material than hardcore pornography or material that is obscene to minors.

⁵⁵ *Id.* at 24.

⁵⁶ *Id.* at 33-34.

⁵⁷ *Ginsberg v. New York*, 88 S. Ct. 1274 (1968).

⁵⁸ *Id.* at 1282

⁵⁹ *Simmons v. State*, 944 So. 2d 317 (Fla. 2006). See also *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 244-45 (2002).

⁶⁰ See *Powell’s Books, Inc. v. Kroger*, 622 F. 3d 1202 (2010).

⁶¹ *Powell’s Books, Inc. v. Kroger*, 622 F. 3d 1202, 1206-07 (2010).

⁶² *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.⁶³

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 excitement⁶⁴ 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.⁶⁵
- 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.^{66,67}

⁶³ *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)).

⁶⁴ 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.

⁶⁵ Section 847.0138(2), F.S.

⁶⁶ Section 847.0138(3), F.S.

⁶⁷ 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.⁶⁸

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:⁶⁹

- 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:^{70,71}

- 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 Code⁷² 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.^{73,74}

⁶⁸ *Simmons v. Florida*, 944 So. 2d 317 (2006).

⁶⁹ Section 828.126(1)(a)-(c), F.S.

⁷⁰ Section 828.126(2)(a)-(e), F.S.

⁷¹ Section 828.126(3), F.S.

⁷² All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.

⁷³ Section 921.0022, F.S.

⁷⁴ 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.⁷⁵

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.⁷⁶
- Computer pornography.⁷⁷
- Transmission of pornography by electronic device or equipment.⁷⁸
- Transmission of materials harmful to minors by electronic device or equipment.⁷⁹

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.
 - Sadomasochistic 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.⁸⁰

⁷⁵ 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.

⁷⁶ Section 827.071, F.S.

⁷⁷ Section 847.0135, F.S.

⁷⁸ Section 847.0137, F.S.

⁷⁹ Section 847.0138, F.S.

⁸⁰ 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.⁸¹
- Selling or buying minors, is increased from a mandatory minimum term of imprisonment of 20 years to 25 years.⁸²

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 felony⁸³ 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:

⁸¹ Section 827.071(2), F.S.

⁸² Section 847.0145, F.S.

⁸³ 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 mini 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 animals⁸⁴ 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,⁸⁵ as a third degree felony, ranked as a Level 6.
- Add promoting a sexual performance by a child,⁸⁶ 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.

⁸⁴ Section 828.126(2)-(3), F.S.

⁸⁵ Section 828.126(4)-(6), F.S.

⁸⁶ 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.

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

By Senator Martin

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828.126, F.S.; increasing criminal penalties for specified offenses relating to sexual activities involving animals; making technical changes; requiring a court to issue a specified order that must be effective for a minimum of 5 years, rather than authorizing the court to issue such order to be effective for up to 5 years, after the date of a specified conviction; amending s. 847.011, F.S.; providing applicability; amending s. 847.0137, F.S.; defining terms; providing criminal penalties and a mandatory minimum term of imprisonment for persons who knew or reasonably should have known that they were transmitting or taking other actions to make accessible child pornography or generated child pornography; increasing criminal penalties and providing a mandatory minimum term of imprisonment for persons who knew or reasonably should have known that they were transmitting child pornography or generated child pornography; specifying circumstances under which persons may not be subject to prosecution; amending ss. 775.15, 794.0115, and 921.0022, F.S.; conforming cross-references; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 775.0847, Florida Statutes, are amended to read:

775 0847 Possession or promotion of certain images of child

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59 pornography; reclassification.—

60 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
61 s. 847.0138 must ~~shall~~ be reclassified to the next higher degree
62 as provided in subsection (3) if:63 (a) The offender possesses 20 ~~10~~ or more images of any form
64 of child pornography regardless of content; or and65 (b) The content of at least one image contains one or more
66 of the following:67 1. A prepubescent child ~~who is younger than the age of 5.~~

68 2. Sadomasochistic abuse involving a child.

69 3. Sexual battery involving a child.

70 4. Sexual bestiality involving a child.

71 ~~5. Any motion picture, film, video, or computer-generated
72 motion picture, film, or video involving a child, regardless of
73 length and regardless of whether the motion picture, film,
74 video, or computer-generated motion picture, film, or video
75 contains sound.~~76 (3)(a) In the case of a felony of the third degree, the
77 offense is reclassified to a felony of the second degree, and
78 the offender must be sentenced to a mandatory minimum term of
79 imprisonment of 5 years.80 (b) In the case of a felony of the second degree, the
81 offense is reclassified to a felony of the first degree, and the
82 offender must be sentenced to a mandatory minimum term of
83 imprisonment of 15 years.84 (c) In the case of a felony of the first degree, the
85 offense is reclassified to a life felony, and the offender must
86 be sentenced to a mandatory minimum term of imprisonment of 25
87 years.

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88 89 For purposes of sentencing under chapter 921 and determining
90 incentive gain-time eligibility under chapter 944, a felony
91 offense that is reclassified under this section is ranked one
92 level above the ranking under s. 921.0022 or s. 921.0023 of the
93 offense committed.94 Section 2. Subsection (1) of section 794.0116, Florida
95 Statutes, is amended to read:96 794.0116 Sexual offenses by persons previously convicted of
97 sexual offenses.—98 (1) A person who was previously convicted of or had
99 adjudication withheld for an offense specified in s.
100 943.0435(1)(h)1.a. and commits a violation of s. 800.04(5); s.
101 825.1025(3); s. 827.071(2), (3), (4), or (5)(a); s. 847.0135; s.
102 847.0137; or s. 847.0145 must ~~shall~~ be sentenced to a mandatory
103 minimum term of imprisonment as follows:

	Statute	Mandatory Minimum
105 (a)	800.04(5)	<u>15</u> 10 years
106 (b)	825.1025(3)	10 years
107 (c)	827.071(2)	<u>25</u> 20 years
108 (d)	827.071(3)	20 years
109 (e)	827.071(4)	15 years

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111	(f)	827.071(5)(a)	10 years
112	(g)	847.0135	10 years
113	(h)	847.0137	10 years
114	(i)	847.0145	<u>25</u> 20 years

115 Section 3. Paragraph (a) of subsection (1), subsections (2)
116 and (3), and paragraph (a) of subsection (5) of section 827.071,
117 Florida Statutes, are amended, and paragraphs (b) through (n) of
118 subsection (1) of that section are republished, to read:

119 827.071 Sexual performance by a child; child pornography;
120 penalties.—

121 (1) As used in this section, the following definitions
122 shall apply:

123 (a) "Child" or "minor" means a any person, whose identity
124 is known and who is or unknown, younger than 18 years of age, or
125 whose identity is unknown and who appears to be under 18 years
of age.

126 (b) "Child pornography" means:

127 1. Any image depicting a minor engaged in sexual conduct;
128 or

129 2. Any image that has been created, altered, adapted, or
130 modified by electronic, mechanical, or other means, to portray
131 an identifiable minor engaged in sexual conduct.

132 (c) "Deviate sexual intercourse" means sexual conduct
133 between persons not married to each other consisting of contact
134 between the penis and the anus, the mouth and the penis, or the

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136	mouth and the vulva.
137	(d) "Female genitals" includes the labia minora, labia
138	majora, clitoris, vulva, hymen, and vagina.
139	(e) "Identifiable minor" means a person:
140	1. Who was a minor at the time the image was created,
141	altered, adapted, or modified, or whose image as a minor was
142	used in the creating, altering, adapting, or modifying of the
143	image; and
144	2. Who is recognizable as an actual person by the person's
145	face, likeness, or other distinguishing characteristic, such as
146	a unique birthmark, or other recognizable feature.
147	
148	The term may not be construed to require proof of the actual
149	identity of the identifiable minor.
150	(f) "Intentionally view" means to deliberately,
151	purposefully, and voluntarily view. Proof of intentional viewing
152	requires establishing more than a single image, motion picture,
153	exhibition, show, image, data, computer depiction,
154	representation, or other presentation over any period of time.
155	(g) "Performance" means any play, motion picture,
156	photograph, or dance or any other visual representation
157	exhibited before an audience.
158	(h) "Promote" means to procure, manufacture, issue, sell,
159	give, provide, lend, mail, deliver, transfer, transmit,
160	transmute, publish, distribute, circulate, disseminate, present,
161	exhibit, send, post, share, or advertise or to offer or agree to
162	do the same.
163	(i) "Sadomasochistic abuse" means flagellation or torture
164	by or upon a person, or the condition of being fettered, bound,

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165 or otherwise physically restrained, for the purpose of deriving
 166 sexual satisfaction from inflicting harm on another or receiving
 167 such harm oneself.

168 (j) "Sexual battery" means oral, anal, or female genital
 169 penetration by, or union with, the sexual organ of another or
 170 the anal or female genital penetration of another by any other
 171 object; however, "sexual battery" does not include an act done
 172 for a bona fide medical purpose.

173 (k) "Sexual bestiality" means any sexual act between a
 174 person and an animal involving the sex organ of the one and the
 175 mouth, anus, or female genitals of the other.

176 (l) 1. "Sexual conduct" means actual or simulated sexual
 177 intercourse, deviate sexual intercourse, sexual bestiality,
 178 masturbation, or sadomasochistic abuse; actual or simulated lewd
 179 exhibition of the genitals; actual physical contact with a
 180 person's clothed or unclothed genitals, pubic area, buttocks,
 181 or, if such person is a female, breast, with the intent to
 182 arouse or gratify the sexual desire of either party; or any act
 183 or conduct which constitutes sexual battery or simulates that
 184 sexual battery is being or will be committed. A mother's
 185 breastfeeding of her baby does not under any circumstance
 186 constitute "sexual conduct."

187 2. As used in subparagraph 1., "actual or simulated lewd
 188 exhibition of the genitals" may be evidenced by the overall
 189 content of an image, taking into account the age of the minor
 190 depicted and, including, but not limited to, whether:

191 a. The focal point of the image is on the minor's genitals;
 192 b. The setting of the image is sexually suggestive or in a
 193 place or pose generally associated with sexual conduct;

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194 c. The minor is depicted in an unnatural pose, or in
 195 inappropriate attire, considering the age of the minor;
 196 d. The image suggests sexual coyness or a willingness to
 197 engage in sexual conduct; or
 198 e. The image is intended or designed to elicit a sexual
 199 response in the viewer.

200 (m) "Sexual performance" means any performance or part
 201 thereof which includes sexual conduct by a child.

202 (n) "Simulated" means the explicit depiction of conduct set
 203 forth in paragraph (l) which creates the appearance of such
 204 conduct and which exhibits any uncovered portion of the breasts,
 205 genitals, or buttocks.

206 (2) (a) A person commits is guilty of the use of a child in
 207 a sexual performance if, knowing the character and content
 208 thereof, he or she employs, authorizes, or induces a child to
 209 engage in a sexual performance or, being a parent, legal
 210 guardian, or custodian of such child, consents to the
 211 participation by such child in a sexual performance. A person
 212 who violates this paragraph subsection commits a felony of the
 213 first second degree, punishable as provided in s. 775.082, s.
 214 775.083, or s. 775.084, and must be sentenced to a mandatory
 215 minimum term of imprisonment of 15 years.

216 (b) A person commits aggravated use of a child in a sexual
 217 performance if, knowing the character and content thereof, he or
 218 she employs, authorizes, or induces a child younger than 12
 219 years of age to engage in a sexual performance. A person who
 220 violates this paragraph commits a life felony, punishable as
 221 provided in s. 775.082, s. 775.083, or s. 775.084, and must be
 222 sentenced to a mandatory minimum term of imprisonment of 25

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223 years.

224 (3) A person commits is guilty of promoting a sexual
 225 performance by a child if when, knowing the character and
 226 content thereof, he or she produces, directs, or promotes any
 227 performance which includes sexual conduct by a child. A person
 228 who violates this subsection commits a felony of the second
 229 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 230 775.084, and must be sentenced to a mandatory minimum term of
 231 imprisonment of 5 years.

232 (5)(a) It is unlawful for any person to knowingly solicit,
 233 possess, control, or intentionally view a photograph, motion
 234 picture, exhibition, show, representation, image, data, computer
 235 depiction, or other presentation which, in whole or in part, he
 236 or she knows to include child pornography. The solicitation,
 237 possession, control, or intentional viewing of each such
 238 photograph, motion picture, exhibition, show, image, data,
 239 computer depiction, representation, or presentation is a
 240 separate offense. If such photograph, motion picture,
 241 exhibition, show, representation, image, data, computer
 242 depiction, or other presentation includes child pornography
 243 depicting more than one child, then each such child in each such
 244 photograph, motion picture, exhibition, show, representation,
 245 image, data, computer depiction, or other presentation that is
 246 knowingly solicited, possessed, controlled, or intentionally
 247 viewed is a separate offense. A person who violates this
 248 paragraph commits a felony of the second third degree,
 249 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

250 Section 4. Paragraph (b) of subsection (2) of section
 251 827.072, Florida Statutes, is amended, and paragraph (a) of

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252 subsection (1) of that section is republished, to read:

253 827.072 Generated child pornography.—
 254 (1) As used in this section, the term:
 255 (a) "Generated child pornography" means any image that has
 256 been created, altered, adapted, or modified by electronic,
 257 mechanical, or other computer-generated means to portray a
 258 fictitious person, who a reasonable person would regard as being
 259 a real person younger than 18 years of age, engaged in sexual
 260 conduct.

261 (2)
 262 (b) A person who intentionally creates generated child
 263 pornography commits a felony of the second third degree,
 264 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 265 and must be sentenced to a mandatory minimum term of
 266 imprisonment of 5 years.

267 Section 5. Section 828.126, Florida Statutes, is amended to
 268 read:

269 828.126 Sexual activities involving animals.—
 270 (1) As used in this section, the term "sexual contact with
 271 an animal" means any act committed between a person and an
 272 animal for the purpose of sexual gratification, abuse, or
 273 financial gain which involves:

274 (a) Contact between the sex organ or anus of one and the
 275 mouth, sex organ, or anus of the other;
 276 (b) The fondling of the sex organ or anus of an animal; or
 277 (c) The insertion, however slight, of any part of the body
 278 of a person or any object into the vaginal or anal opening of an
 279 animal, or the insertion of any part of the body of an animal
 280 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) (c) 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) Notwithstanding ss. 847.012 and 847.0133, a any person
 384 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) s.~~
 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) s.~~
 447 ~~827.071(2), (3), or (4); s. 847.0145; or 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
 467
 468 Florida Statute Felony Degree Description
 316.027(2)(a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
 469 316.1935(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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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(14)(b)2. 2nd Misuse of emergency 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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475	379.367 (4)	3rd	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.
476	379.407 (5) (b) 3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
477		3rd	Possession of 100 or more undersized spiny lobsters.

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478	381.0041(11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
479	440.10(1) (g)	2nd	Failure to obtain workers' compensation coverage.
480	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
481	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
482	624.401(4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
	626.902(1) (c)	2nd	Representing an

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483			unauthorized insurer; repeat offender.
	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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490			conduct; offender less than 18 years of age.
	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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497		\$10,000 or more but less than \$50,000.
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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505		value \$20,000 to \$50,000.
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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817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.	
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.	

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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.	
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.	
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	
847.0137 <u>(3) & (4) (2) & (3)</u>	2nd 3rd	Transmission of <u>child pornography or generated child pornography by electronic device or equipment.</u>	
847.0138 <u>(2) & (3)</u>	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	
874.05(1)(b)	2nd	Encouraging or recruiting another to	

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519		join a criminal gang; second or subsequent offense.
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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522		recreational facility or community center.
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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525			(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.
526	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
527	(f) LEVEL 6		
528	Florida Statute	Felony Degree	Description
529	316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
530	316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
531	316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
532			
533			

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534			327.30(5) (a)3.
			400.9935(4) (c)
535			499.0051(2)
536			499.0051(3)
537			499.0051(4)
538			775.0875(1)
539			784.021(1) (a)

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540		intent to kill.	
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	

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548		employee.	
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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555	790.19	2nd	of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
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;

567	33-01480-26		20261750	second or subsequent conviction.
	812.015(9)(b)	2nd		Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
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

573	33-01480-26		20261750	resulting in death.
	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				

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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>	<u>2nd</u> 3rd	<u>Knowingly solicit,</u> possess, control, or intentionally view any photographic material, motion picture, etc., <u>that which</u> includes child pornography.
	<u>827.071(5)</u>		
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>	3rd	Sexual activities involving animals.
	<u>828.126(3)</u>		
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			

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588	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
589	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
590	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
591	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
592	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	918.13(2) (b)	2nd	Tampering with or

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593		fabricating physical evidence relating to a capital felony.
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.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.
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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606			act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2) (b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.	
409.920 (2) (b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.	
456.065 (2)	3rd	Practicing a health care profession without a license.	
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	
458.327 (1)	3rd	Practicing medicine without a license.	
459.013 (1)	3rd	Practicing osteopathic medicine without a license.	
460.411 (1)	3rd	Practicing chiropractic	

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613			medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.	
462.17	3rd	Practicing naturopathy without a license.	
463.015(1)	3rd	Practicing optometry without a license.	
464.016(1)	3rd	Practicing nursing without a license.	
465.015(2)	3rd	Practicing pharmacy without a license.	
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	
467.201	3rd	Practicing midwifery without a license.	
468.366	3rd	Delivering respiratory care services without a license.	

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621	33-01480-26	20261750	
	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

627	33-01480-26	20261750	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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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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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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645	784.081(1)	1st	Aggravated battery on specified official or employee.
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

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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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657		destruction while committing or attempting to commit a felony.	
790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.	
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.	
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.	
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger	

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662		than 18 years of age.	
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.	
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.	
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	

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	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

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	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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680	817.234(8)(a)	2nd Solicitation of motor vehicle accident victims with intent to defraud.
681	817.234(9)	2nd Organizing, planning, or participating in an intentional motor vehicle collision.
682	817.234(11)(c)	1st Insurance fraud; property value \$100,000 or more.
683	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.
684	817.418(2)(a)	3rd Offering for sale or advertising personal protective equipment with intent to defraud.
685	817.504(1)(a)	3rd Offering or advertising a vaccine with intent to

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685	817.535(2)(a)	3rd defraud.
686	817.611(2)(b)	2nd Filing false lien or other unauthorized document.
687	825.102(3)(b)	2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
688	825.103(3)(b)	2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
689	827.03(2)(b)	2nd Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
690	827.04(3)	3rd Neglect of a child causing great bodily harm, disability, or disfigurement.
691		3rd Impregnation of a child

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691		under 16 years of age by person 21 years of age or older.	
	<u>827.071(2) (a)</u>	<u>1st</u> <u>2nd</u> Use <u>of</u> or induce a child in a sexual performance, or promote or direct such performance.	
	827.071(2) & (3)		
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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698		838.021(3) (a)	2nd Unlawful harm to a public servant.
699		838.22	2nd Bid tampering.
700		843.0855(2)	3rd Impersonation of a public officer or employee.
701		843.0855(3)	3rd Unlawful simulation of legal process.
702		843.0855(4)	3rd Intimidation of a public officer or employee.
703		847.0135(3)	3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.
704		847.0135(4)	2nd Traveling to meet a minor to commit an unlawful sex act.
705		872.06	2nd Abuse of a dead human body.
		874.05(2) (b)	1st Encouraging or recruiting person under 13 to join a criminal gang; second or

706	33-01480-26		20261750	subsequent offense.
	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

709	33-01480-26		20261750	feet of property used for religious services or a specified business site.
	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,	
716	(1) (c)3.a.		7 grams or more, less	
			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	
719			grams.	
	893.135(1) (e)1.	1st	Trafficking in	
			methaqualone, 200 grams	
			or more, less than 5	
720			kilograms.	
	893.135(1) (f)1.	1st	Trafficking in	
			amphetamine, 14 grams or	
721			more, less than 28 grams.	
	893.135	1st	Trafficking in	
	(1) (g)1.a.		flunitrazepam, 4 grams or	
			more, less than 14 grams.	

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	893.135	1st	Trafficking in gamma-	
722	(1) (h)1.a.		hydroxybutyric acid	
			(GHB), 1 kilogram or	
			more, less than 5	
			kilograms.	
	893.135	1st	Trafficking in 1,4-	
723	(1) (j)1.a.		Butanediol, 1 kilogram or	
			more, less than 5	
			kilograms.	
	893.135	1st	Trafficking in	
724	(1) (k)2.a.		Phenethylamines, 10 grams	
			or more, less than 200	
719			grams.	
	893.135	1st	Trafficking in synthetic	
	(1) (m)2.a.		cannabinoids, 280 grams	
			or more, less than 500	
725			grams.	
	893.135	1st	Trafficking in synthetic	
	(1) (m)2.b.		cannabinoids, 500 grams	
726			or more, less than 1,000	
			grams.	
	893.135	1st	Trafficking in n-benzyl	
727	(1) (n)2.a.		phenethylamines, 14 grams	

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728			or more, less than 100 grams.
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
729		3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
730		3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
731		2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
732		2nd	Sexual offender; remains in state after indicating intent to leave; failure

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733			to comply with reporting requirements.
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
734		3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
735		3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
736		3rd	Sexual offender; failure to comply with reporting requirements.
737		3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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

743	33-01480-26	20261750__
	failure to respond to address verification; providing false registration information.	
744	Section 11. This act shall take effect October 1, 2026.	

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

January 26, 2026

The Florida Senate

APPEARANCE RECORD

1750

Meeting Date

Criminal Justice

Committee

Name **Barney Bishop**

Address **1454 Vieux Carte Drive**

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](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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

S-001 (08/10/2021)

1/26/26

The Florida Senate

APPEARANCE RECORD

SB 1750

Meeting Date

Appropriations Committee on Transportation, Tourism, and Economic Development

Committee

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.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 Brady Davis to explain the bill
4:00:28 PM Sen Brady 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 Brady Davis to close on the bill
4:06:48 PM Sen Brady 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